EXHIBIT LOG

CASE NO. 17302 APPLICANT _____

Exhibit No.	Nature of Exhibit	Staff Init.	Exhibit Date	No. Pages	No. Copies	Date Rec'd
21.	FEE WAIVER REQUEST DOCUMENTS	EB	-	27	-	2/10/05
22.	LTR. FM GUSTAVO VENTURA, PRES. (SOCO HEIGHTS NA)	EB	2/5/05	1	-	3/4/05
23.	LTR. FM. ANC 1B IN SUPPORT	EB	3/5/05	1	-	3/8/05
24.	~~LTR FM:~~ (SEE BZA #17304) ARNOLD & PORTER, ~~RE: MODIFICATION~~ of application	EB	3/~~8~~/05 ~~VOID~~	20	EB	3/9/05
25.	Affidavit of Posting	"	3/24/05	6	-	3/30/05
26.	OFFICE of PLANNING REPORT	"	3/29/05	5	20	4/5/05
27.	Final Order Granted	AP	6/12/05	5		6/13/05
28.	Attestation	—	w	2		6/13/05
29.	Witness Cards	BA	—	1	—	4/12/05
30.	Applicant's Pre-Hearing Statement	"	4/12/05	9	—	"

ZONING COMMISSION
CASE No. 05-14
EXHIBIT No. 1

ZONING COMMISSION
District of Columbia
CASE NO.05-14
EXHIBIT NO.1

EXHIBIT LOG

CASE NO. 17302 APPLICANT _____

Exhibit No.	Nature of Exhibit	Staff Init.	Exhibit Date	No. Pages	No. Copies	Date Rec'd
11.	Referral to SMB-1607	AP	2/2/05	1		2/2/05
12.	" " " Planning	—	"	1		"
13.	" " " City Council-ward 1	—	"	1		"
14.	Referral to DBE-DAW	—	"	1		2/4/05
15.	Referral to ANC-1B	—	"	1		2/8/05
16.	Hrg Notice to 200 feet Properties	AP	—	2		2/14/05
17.	ANC-1B	—	—	5		"
18.	Applicant	—	—	2		"
19.	Attestation	—	—	1		2/14/05
20.	Denied Request for Return of Fee	AP	2/14/05	1		2/14/05

EXHIBIT LOG

CASE NO. 17302 APPLICANT _____

Exhibit No.	Nature of Exhibit	Staff Init.	Exhibit Date	No. Pages	No. Copies	Date Rec'd
1.	Application	AP	2/4/05	8	00	2/7/05
2.	Self-Certification	—	〃	1	—	〃
3.	three Photos	—		3	—	〃
4.	200 feet Properties	—		3	—	〃
5.	Survey Plat	—	9/10/03	1	—	〃
6.	Statement	—	2/4/05	5	—	〃
7.	Authorization Letter	—	2/3/05	1	—	〃
8.	Acknowledge Letter	—	2/7/05	1		〃
9.	Copy of Check And Receipt	—	〃	1		〃
10.	Complete set of plans for New Development	—	2/7/05	16		2/7/05

The Non-Profit Community Development Corporation of Washington, D.C., Inc.

Petition before the Board of Zoning Adjustment, District of Columbia, for a Height Variance at 2750 14th Street, N.W., Washington, D.C.

April 12, 2005

I. Background.

The Non-Profit Community Development Corporation of Washington, D.C , Inc ("NPCDC") is a District of Columbia not-for-profit corporation engaged in urban and neighborhood revitalization through the construction and renovation of housing in neighborhoods at risk throughout the District of Columbia. Since its inception in 1994, NPCDC has built and renovated over 350 units of housing, including apartments and single family houses, in such neighborhoods as Anacostia, Columbia Heights, Petworth, and upper Georgia Avenue. NPCDC prides itself on undertaking construction and social challenges that intimidate conventional for-profit developers. By growing the base of clean, attractive, affordable housing in the District of Columbia, NPCDC is building better homes and better neighborhoods for the citizens of the District of Columbia.

II. The Development at Parcel Five.

NPCDC's current project is the development of Parcel Five in the Fourteenth Street Redevelopment Corridor. Parcel Five, located at 2750 14th Street, N.W., in Columbia Heights, is being developed under the auspices of the District of Columbia's RLA Revitalization Corporation (the "RLARC"), which sold the land to NPCDC NPCDC's vision for the development of Parcel Five includes 77 parking spaces in a subsurface parking deck, 19,770 square feet of ground level commercial space, and 56 residential condominium units in a seven story building. The property is currently zoned "C-2-B" per the Zoning Map (#6) for the District of Columbia, has 24,000 square feet of area, and a height limitation of 65 feet NPCDC is in the process of building a structure of contemporary design that will provide a dynamic location for living and working while helping to revitalize a neighborhood in transition

In order to purchase the land from the RLARC, NPCDC had to consent to submitting the land to the RLARC's Land Development Agreement (the "LDA") The LDA is a set of restrictive covenants that strictly govern the development of Parcel Five Under the LDA, NPCDC has committed to selling half (50%) of the residential condominiums as Affordable Dwelling Units ("ADUs") to households earning below the Area Median Income as defined by U S Department of Housing and Urban Development and adopted by the District of Columbia Department of Housing and Community Development and the RLARC. This is the highest percentage of ADUs in any project overseen by the RLARC. Additionally, NPDCDC has committed to lease 8,000 square

BZA
Case No. 17302
Exhibit No. 30

feet of the commercial space for a child care center. These features are essential features of the development at Parcel Five and a part of NPCDC's commitment as a non-profit developer to socially responsible development.

III. The Request for a Variance.

A. The Challenge Prompting the Request: Prospective Quality Commercial Tenants Want Twelve Foot Ceilings in the Commercial Space.

NPCDC is now in the process of constructing the building at Parcel Five, including pre-selling and pre-leasing the residential and commercial units. In the process, NPCDC has encountered a serious practical difficulty. In order to fit all of the commercial space and 54 residential units into seven floors, NPCDC had to design the ground floor commercial spaces with eight foot high ceilings. Unfortunately, NPCDC, who focused principally on creating the residential units and creating the affordable mix, is now discovering that the majority of the premier commercial tenants desire commercial spaces with twelve foot ceilings. Attached is a letter from Vanguard Realty Group, the retail broker for the property. As the letter indicates, many major market coffee shops, restaurants, dry cleaners, and retailers have been unwilling to consider leasing the commercial spaces at Parcel Five. Alternatively, they have been willing to sign leases only on the condition that the spaces be redesigned with twelve foot ceilings. Given the eight foot ceiling limitation, the only serious interest NPCDC has had is from liquor stores, pawn shops, and check cashing establishments. Clearly, though, these establishments are lower quality tenants and are less than what NPCDC desires from an urban redevelopment and social revitalization perspective. Indeed, one could reasonably argue that if NPCDC has to rely on such establishments to make the project economically viable, then NPCDC will fail in its social mission to bring a positive catalyst for social change to the neighborhood.

B. A Height Variance Provides the Only Solution.

As a result of the foregoing, NPCDC has applied for a variance to add eight feet to the overall height of the building on Parcel Five. Of the eight feet in additional height, four feet would be added to the ground floor to create the twelve foot ceilings in the commercial space desired by premier grade tenants. Additionally, four other feet would be distributed among the residential floors to create higher ceilings in the residential units. The higher ceilings in the residential units would add additional vibrancy to the units to help attract market rate unit purchasers who may otherwise be reluctant to live in a building with 50% ADUs.

Before making this request, NPCDC considered other alternatives for creating the additional ceiling height. In order to fit all of the various units required by the restrictive covenants of the LDA, the building is already at its maximum volume NPCDC could raise the ceiling height of the first floor only by eliminating a floor of residential condominium units Unfortunately, though, this would make it impossible to build all of the units required by the restrictive covenants of the LDA. Adding height to the building

is the only way to address this situation and still conform to the restrictive covenants of the LDA

Additionally, in its Memorandum of March 29, 2005, the Office of Planning (the "OP") has suggested that NPCDC could achieve the same result by applying for a Planned Unit Development ("PUD") through the Zoning Commission. In doing so, the OP has not recognized the practical limitations of the PUD process. Obtaining PUD approval would take anywhere from six to twelve months in a best case scenario. Meanwhile, the improvements at Parcel Five are already under construction. By the time the PUD process is complete, NPCDC expects to have completed the building through the fourth floor, rendering any PUD approval moot. Further, any halt in construction to wait for the PUD process would be so costly that the project (and indeed the entire NPCDC) would be bankrupted. Thus, while the OP has suggested a remedy that is theoretically possible, their proposal is not practically possible at this time. The height variance is the only way for the NPCDC to achieve its desired goal.

C. The Property Meets the Criteria for a Variance.

1. The Criteria for a Variance.

Pursuant to D C.M.R. § 3103.2, the Board of Zoning Adjustment has the power to enact a variance, "[w]here by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Official Code §§ 6-641.01 to 6-651.02 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship, provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map "

In this instance, the property meets each of the criteria necessary for the Board of Zoning Adjustment to grant the requested variance

2. The Property Is Subject to an Exceptional Situation or Condition because of the Combination of the Restrictive Covenants of the LDA and the Non-Profit Purpose of the Developer. This Results in 50% ADUs, which Makes the Property Unique.

In order to qualify for the variance, the property must exhibit, ". . . exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions ***or other extraordinary or exceptional situation or condition*** . . . ." (emphasis added)

In this case, the property is subject to exceptional situation or condition from the combination of two circumstances. First, the property is subject to the restrictive covenants imposed by the LDA. Second, the property is being developed by a non-profit developer with a non-profit mission. Together, the combination of the restrictive covenants *and* the non-profit mission create a unique property and an exceptional situation or condition. This situation or condition is manifested in the 50% ADU requirement and the child care center. The restrictive covenants are a unique feature of the land because they are recorded in the land records, run with the land, and are inseparable from the land. Additionally, since the property is being developed by a non-profit developer, the developer has a charitable mission to fulfill by providing a socially beneficial development that contributes to urban revitalization.

NPCDC recognizes that it must present proof that "the circumstances which create the hardship *uniquely* affect the *petitioner's property* . . . ." *Capitol Hill Restoration Society v. District of Columbia Board of Zoning Adjustment*, 534 A.2d 939, 941-42 (D.C. 1987), quoting *Taylor v. District of Columbia Bd. of Zoning Adjustment*, 308 A.2d 230, 234 (D.C. 1973) (emphasis in original). The circumstances affecting Parcel Five are unique to Parcel Five. While there are other properties subject to restrictive covenants from RLA's imposed by the RLARC, no other such properties are being developed by a non-profit developer with a non-profit, social mission. No other LDA requires as many as 50% of the residential units to be designated as ADUs. Instead, comparable LDAs from the RLARC require 10%-20% ADUs. As a result, the restrictive covenants imposed by the LDA combined with the non-profit mission of the developer, NPCDC, create an exceptional situation or condition that is unique to Parcel Five.

In its Memorandum of March 29, 2005, the OP has asserted that Parcel Five lacks physical uniqueness or an exceptional situation. The OP has alleged that the restrictive covenants of the LDA alone do not create physical uniqueness or an exceptional situation. This addresses only half of Parcel Five's situation, though. While other properties may be subject to restrictive covenants similar to those of the LDA, the combination of the restrictive covenants and the non-profit purpose of NPCDC, resulting in 50% ADUs and a child care center on the property, create an exceptional situation No other property has this combination This is an exceptional situation that makes Parcel Five unique

3. The Exceptional Situation or Condition Would Result in Peculiar and Exceptional Practical Difficulties upon the Owner because It Would Impair the Owner from Creating a Development that Enhances the Quality of Life in the Neighborhood.

In order to qualify for the variance, the exceptional situation or condition must be one that ". . would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property . . . ." (emphasis added)

NPCDC recognizes that in cases such as this, where an area variance is requested, the "practical difficulties" standard applies, with the "undue hardship" standard applying

only when an applicant requests a use variance. *Palmer v. Board of Zoning Adjustment*, 287 A. 2d 535, 542 (D.C. App. 1972). In this case, NPCDC is not suffering any undue economic hardship. Rather, NPCDC has discovered that it subject to a practical difficulty because is unable to construct the quality improvements required by the restrictive covenants and still provide the kind of socially beneficially structure required by the NPCDC's non-profit, charitable purpose. If the NPCDC constructs the building with eight foot ceilings in the commercial space, it will lose the opportunity to have the high quality tenants and provide the quality of life that the neighborhood deserves. This is not only undesirable from an urban revitalization perspective, but it is also undesirable to NPCDC from the perspective of a non-profit organization

4. The Relief Can Be Granted without Substantial Detriment to the Public Good, as Agreed by the ANC and the OP.

In order to qualify for the variance, the Board of Zoning Adjustment must determine that ". . . the relief can be granted ***without substantial detriment to the public good*** . . ." (emphasis added)

The Board of Zoning Adjustment may unequivocally grant the requested height variance without any detriment to the public good. Granting the height variance would be a substantial improvement to the public good by creating a better neighborhood with better retail venues that foster positive social change in the community. Conversely, failing to grant height variance incurs a detriment to the public good. If NPCDC is required to develop Parcel Five with eight foot ceilings in the commercial space, the substandard tenants that will front 14th Street and Girard Avenues will not be capable of making a positive contribution to the Columbia Heights neighborhood.

NPCDC notes that it is not alone in making this assessment As the attached letter from the Advisory Neighborhood Commission ("ANC") illustrates, the ANC agrees that the additional height "will positively affect [NPCDC's] ability to attract retail tenants more in harmony with the surrounding residential community" Additionally, NPCDC notes that the OP, in its Memorandum of March 29, 2005, also agreed that "[f]rom the perspective of effects on the surrounding neighborhood, the project would have no substantial detriment."

5. Due to the Minor Change to the Building, the Relief Can Be Granted without Substantially Impairing the Intent, Purpose, and Integrity of the Zone Plan.

In order to qualify for the variance, the Board of Zoning Adjustment must determine that ". . . the relief can be granted . . ***without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.***" (emphasis added)

In this case, the relief granted would be minor enough not to impair the integrity of the zone plan. The variance requested is for a mere eight foot addition to the height of

the building. This addition would not render the building unusual or inconsistent with the surrounding structures The additional height will not change the character of the building or the character of the neighborhood. The property is bordered by a six story brick building to the south and a five story brick building to the west. As a result, a seven story building with an additional eight feet in height will not radically alter the profile of rooflines in the neighborhood.

Finally, NPCDC notes that the OP has charged that granting NPCDC's request for a variance would weaken the Zoning Regulations by weakening the standards for a variance. NPCDC strongly disagrees because the OP did not acknowledge all of the criteria which make this property unique. Additionally, the OP has claimed that NPCDC's failure to seek relief through the PUD process weakens the PUD process, this claim does not acknowledge, though, that the PUD process cannot be accomplished on a time line consistent with NPCDC's construction schedule As such, the variance is NPCDC's only practical and meaningful opportunity for relief, which is exactly why variances exist. The Board of Zoning Adjustment, which is charged with the responsibility to police the land and improve the quality of life in the District of Columbia, should find this to be an ideal case for which a variance is suited.

IV. The Unique Circumstances of Parcel Five Will Not Create an Unwanted Precedent for Future Variances.

NPCDC recognizes that the Board of Zoning Adjustment will be concerned with setting an undesirable precedent with this variance. However, NPCDC suggests that the qualities which make Parcel Five a unique property also make it unlikely that its variance would set an undesirable precedent for future variances. Parcel Five is unique because of the combination of restrictive covenants from the LDA and the non-profit purpose of the developer, NPCDC. The combination of these things creates a unique property supporting 50% ADUs and a child care center. No other developer developing property under the auspices of the RLARC has committed to designating at least 50% of the residential units in a project as ADUs. If the Board of Zoning Appeals were to recognize these factors as making the property unique while ruling affirmatively in favor of the requested variance, then it is unlikely that other developers would be able to claim this variance as precedent for other variance requests

V. NPCDC Will Not Profit from the Variance.

Finally, NPCDC notes that while other developers' variance applications are motivated by the ability to wring additional profits from their developments, NPCDC's variance application is motivated solely from its desire to build a higher quality development in Columbia Heights NPCDC will not recognize any additional profit from a successful decision on this request. Rather, granting this variance will merely allow NPCDC to stay true to its non-profit mission NPCDC's situation is unique to NPCDC as a non-profit developer with a non-profit mission as it struggles to create a better living environment in the neighborhood of Columbia Heights.

VI. Conclusion.

NPCDC desires to create a development that makes the best possible contribution to the quality of life in Columbia Heights. To do so, NPCDC needs a variance to add eight feet to the height of its building Parcel Five qualifies for the variance because:

(a) It is subject to an exceptional situation or condition in the form of the restrictive covenants of the LDA and the fact that it is being developed by a non-profit developer with a social mission to fulfill, the combination of which results in 50% ADUs and child care center that make the property unique,
(b) The exceptional situation or condition would impose a practical hardship on NPCDC by impairing its ability to provide the highest quality of life possible for the neighborhood;
(c) The proposed additional height would not have an adverse impact on the neighborhood; and
(d) The proposed additional height is not inconsistent with the zoning plan.

Finally, NPCDC ask the Board of Zoning Adjustment to consider that NPCDC is a non-profit organization seeking its variance solely for the social good of the community. NPCDC will not profit from the granting of this variance. Since NPCDC is focused on neighborhood revitalization as part of its core mission, the building itself must be able to make a positive contribution to the urban landscape it which it resides As such, NPCDC hopes that the Board of Zoning Adjustment will grant this request for a variance and allow NPCDC to develop the best possible building it can for the revitalization of Columbia Heights.

Vanguard
REALTY GROUP

March 7, 2005

Arnie Litman
Litman Development
3331 22nd Street ES
Suite A
Washington DC 20020

Re: Retail Ceiling Heights at the "Heights of Columbia"

Dear Arnie;

As your retail broker for the "Heights of Columbia" project I want to make you aware of the following with regards to the retail ceiling heights at your project.

On several occasions I have had retailers reject the retail spaces in your project due to the lack of adequate retail ceiling height within the space. I have had apparel users complain of the inability to double hang merchandise, as well as not being able to create displays which can be "flown in" from the ceiling. In the case of restaurateurs there are issues with the inability to hang a chandelier or have enough height to install creative lighting which needs enough height for the light's dispersal. I have also had issues with dry cleaners being unable to use the inadequate height to install carousels with enough space to inventory expected customer volume to make the space profitable. It is creating difficulties with leasing these spaces.

With these examples being typical of the complaints received with regard to the retail ceiling heights issue, I would suggest that if at all possible seek whatever remedy available to increase the buildings retail ceiling heights.

We are at a special moment in this city where we will be constructing a large volume of buildings in neighborhoods throughout the city. As a city we desire better retail goods and services everywhere It would be shameful to know up front that there will be problems with certain building's ceiling heights and not move smartly to correct this issue. Please due whatever possible to find a creative solution to this problem.

Best Regards

Len Harris
Vice President, Retail Leasing

7200 Wisconsin Avenue, Suite 501, Bethesda, MD 20814-4880 Tel 301 547-1000 Fax 301 547 1001 www.vanguardrealty.com
Revised 3/7/2005 10:42 AM

ANC1B
GOVERNMENT OF THE DISTRICT OF COLUMBIA
PO BOX 73710, WASHINGTON, DC 20056

Myla Moss, Phil Spalding, Catherine Hammonds, Deairich R. Hunter, Mike Smith, Tim Stephens, Lori Parker, Rosemary Akinmboni, Thomas K. D. Smith, Nate Matthews, Raymond Wright

5 March 2005

Geoffrey Griffis, Chairman
Board of Zoning Adjustment
Suite 210 South, 441 4th Street NW
Washington, DC 20001

BZA Case No. 17302
Lofts at the Heights of Columbia

Dear Chairman Griffis:

At its regularly scheduled meeting on March 3, 2005 (notice of which was properly given, and at which a quorum of ten of eleven members was present) ANC1B voted unanimous (10-0-0) support for variance from DCCMR 11, Section 770.1 as applied for by Non Profit Community Development corporation of Washington DC on NCRC Parcel 5 located at 2750 14th Street NW. While cognizant of the reasons for limiting height, the Commission does not feel that the additional height requested will have lasting impact on its neighboring community. The Commission does believe the applicant's argument that the additional ceiling height allowed to the ground level commercial floor will positively affect their ability to attract retail tenants more in harmony with the surrounding residential community. The Commission was also favorably impressed by this applicant's ability to achieve a fifty percent mix of affordable residential units which the Commission believes to be critical to the future health of our neighborhood. In its vote the Commission did also delegate Commissioners Philip Spalding and Thomas Smith to represent ANC1B before the Board on this application. We ask the Board to give great weight to our support for Application 17302.

Sincerely,

Deainch R Hunter, Chairperson

Philip C Spalding, Secretary

CC Litman Development
Councilmember Jim Graham
South Columbia Heights Neighborhood Association

WITNESS CARD CASE NO 17302

Proponent X OPPONENT _____

Name Peter L. Henderer

Address McCandlish Holton, PC 1111 E. Main St, Suite 1500

City Richmond, VA Zip 23219

DAYTIME PHONE No. (804) 775-3833

WITNESS CARD CASE NO 17302

Proponent X OPPONENT _____

Name Annie L. Turan

Address 3331 22nd ST SE

City Wash DC Zip 20020

DAYTIME PHONE No. cell 301 908 0093

WITNESS CARD CASE NO 17302

Proponent X OPPONENT _____

Name Michelle Owens

Address 8523 Cameron St

City Silver Spring MD Zip 20910

DAYTIME PHONE No. 3016576375

WITNESS CARD CASE NO 17302

Proponent ✓ OPPONENT _____

Name PHILIP C SPALDING

Address 1929 13St NW

City _____ Zip 20009

DAYTIME PHONE No. 986-5053

WITNESS CARD CASE NO 17302

Proponent ✓ OPPONENT _____

Name William Morris

Address 60 Market St., #204

City Gaithersburg, MD Zip 20878

DAYTIME PHONE No. 301-527-1002

BZA
Case No. 17302
Exhibit No. 29

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

★ ★ ★

BZA APPLICATION NO. 17302

As Director of the Office of Zoning, I hereby certify and attest that on APR 1 2 2005 a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

Walter Johnston
Non-Profit Community Development Corporation of D.C.
1330 New Hampshire Avenue, N W., Suite 111
Washington, D.C. 20036

Chairperson
Advisory Neighborhood Commission 1B
P.O Box 73710
Washington, D.C 20056

Single Member District Commissioner 1B07
Advisory Neighborhood Commission 1B
P O Box 73710
Washington, D.C. 20056

Jim Graham, City Councilmember
Ward One
1350 Pennsylvania Avenue, N W
Suite 406
Washington, D C 20004

Toye Bello, Zoning Administrator
Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs
941 N Capitol Street, N.E
Washington, D.C. 20002

Ellen McCarthy, Interim Director
Office of Planning
801 North Capitol Street, N E

BZA
CASE No. 17302
EXHIBIT No. 28

4th Floor
Washington, D C 20002

Alan Bergstein, Esq
Office of Attorney General
441 4th Street, N W , 6th Floor
Washington, D C 20001

rsn

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

★ ★ ★

Application No. 17302 of Non-Profit Community Development Corporation of D.C. (NPCDC), pursuant to 11 DCMR § 3103 2, for a variance from the maximum height requirements under subsection 770 1, to construct a new 7 story apartment (condominium) building with ground floor commercial in the C-2-B District at premises 2750 14th Street, N W (Square 2667, Lot 73 (849)).

HEARING DATE April 12, 2005
DECISION DATE April 12, 2005 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C Register, and by mail to Advisory Neighborhood Commission (ANC) 1B, the Office of Planning (OP) and to owners of property within 200 feet of the site. The site of the application is located within the jurisdiction of ANC 1B The ANC submitted a report in support of the application. The OP submitted a report opposing the application.

As directed by 11 DCMR § 3119 2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance pursuant to 11 DCMR §§ 3103 2 No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103 2 and 770 1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map

Pursuant to 11 DCMR § 3101 6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law It is therefore **ORDERED** that this application be **GRANTED.**

VOTE: **4-0-1** (Ruthanne G Miller, Curtis L Etherly, Jr , Geoffrey H Griffis and John A Mann II to approve, Anthony J Hood, not present, not voting)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring Board member has approved the issuance of this order.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER April 12, 2005

PURSUANT TO 11 DCMR § 3125 6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D C LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL

COMPLIANCE WITH THOSE PROVISIONS IN ACCORDANCE WITH THE D C HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER RSN

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 17302

As Director of the Office of Zoning, I hereby certify and attest that on APR 12 2005 a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

Walter Johnston
Non-Profit Community Development Corporation of D.C.
1330 New Hampshire Avenue, N W., Suite 111
Washington, D.C 20036

Chairperson
Advisory Neighborhood Commission 1B
P.O Box 73710
Washington, D C 20056

Single Member District Commissioner 1B07
Advisory Neighborhood Commission 1B
P.O. Box 73710
Washington, D.C. 20056

Jim Graham, City Councilmember
Ward One
1350 Pennsylvania Avenue, N W
Suite 406
Washington, D C. 20004

Toye Bello, Zoning Administrator
Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs
941 N Capitol Street, N E
Washington, D C 20002

Ellen McCarthy, Interim Director
Office of Planning
801 North Capitol Street, N E

4th Floor
Washington, D C 20002

Alan Bergstein, Esq
Office of Attorney General
441 4th Street, N W., 6th Floor
Washington, D.C. 20001

rsn

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

★ ★ ★

Office of the Director

RECEIVED
D.C. OFFICE OF ZONING
2005 APR -5 PM 4:56

MEMORANDUM

DATE March 29, 2005

TO District of Columbia Board of Zoning Adjustment

FROM Ellen McCarthy, Director

SUBJECT Board of Zoning Adjustment Case No 17302
2750 14th Street N W

Summary

An application of the Non Profit Community Development Corporation of Washington D C seeking approval of a variance from the maximum height allowed in the C-2-B zone per §770 1 from 65' to 74 25' OP **cannot recommend approval** of the requested variance based on the analysis of variance tests below

Site and Area Description

The subject property is located at 2750 14th Street N W , Square 2667, Lot 73 The lot is 24,000 square feet, currently vacant The subject property and the properties to the north and south on both sides of 14th Street are zoned C-2-B 14th Street in this area is mainly medium to high density residential buildings and moderate density commercial uses The neighborhood to the west of the property is zoned R-5-B and consists of moderate density residential uses

Project Description

The applicant purchased the property from the National Capitol Revitalization Corporation (NCRC) The purchase agreement requires the applicant to develop 56 residential units, half of which are affordable units, 20,000 square feet of retail, and 77 underground parking spaces. The building is currently under construction as a 65' seven-story structure The building designed by the applicant for this application contains seven above ground stories at a total FAR of 3.5 and a height of approximately 74'

BZA
Case No. 17302
Exhibit No. 26

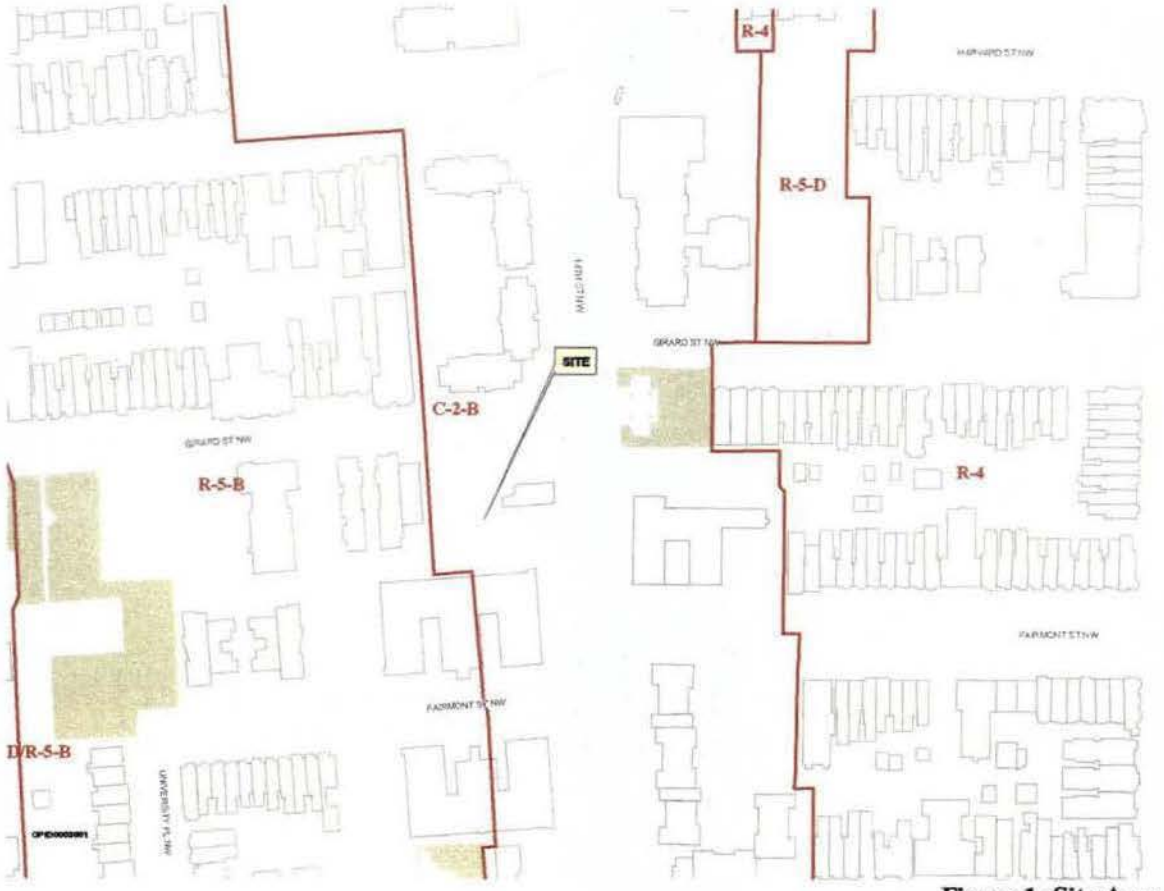


Figure 1: Site Area

Zoning Requirements

The applicant is requesting a variance from the maximum height allowed in the C-2-B district from 65' to 74.25'. The proposed building would meet all other requirements of this zoning district including non-residential FAR.

Section	Item	Required/Allowed	Proposed	Variance
770.1	Height	65'	74.25'	9.25'
771.2	FAR	3.5	3.49	N/A
772.1	Lot Occupancy	80%	55%	N/A
774.1	Rear Yard	15'	23'	N/A

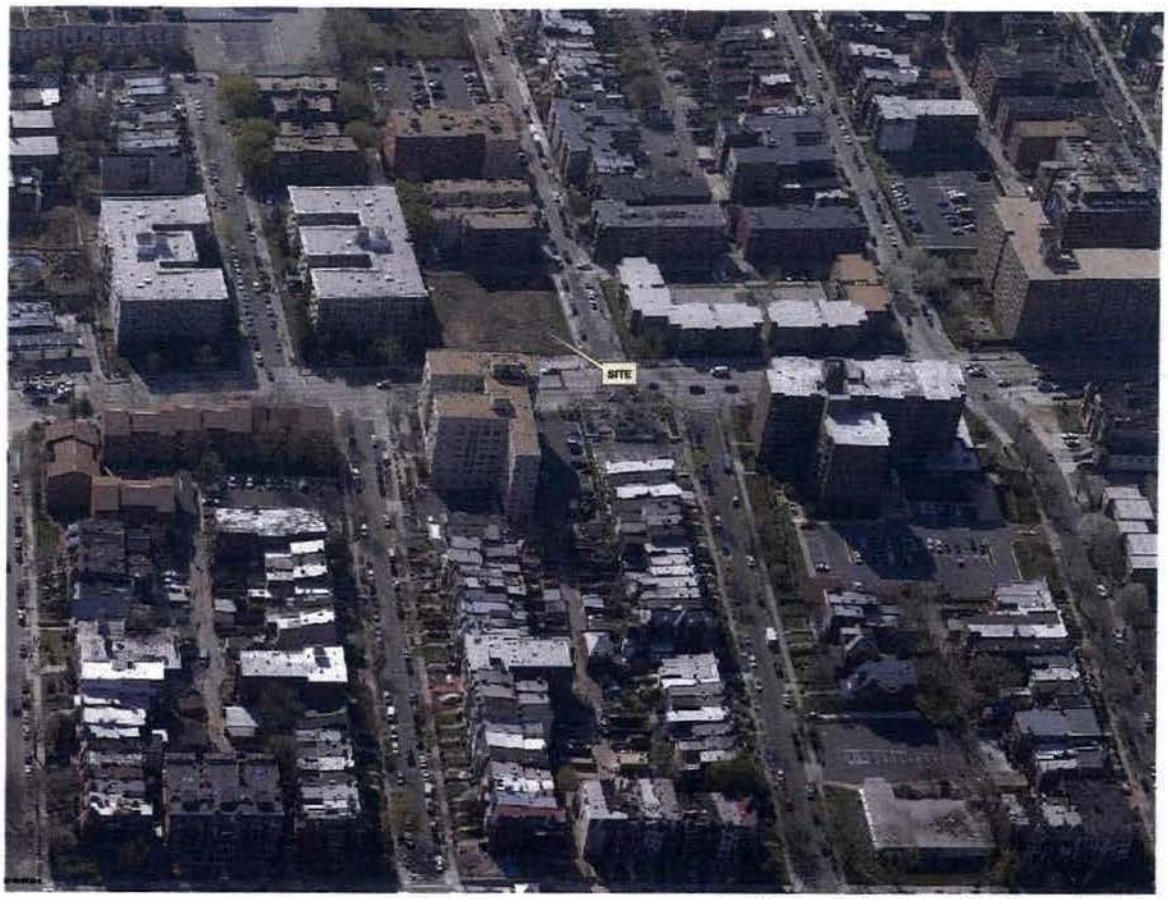


Figure 2: Aerial View from the East

Variance Analysis

The provisions of §3103.2 require the applicant to show a unique physical aspect or other extraordinary or exceptional situation or condition of a specific piece of property that creates an undue hardship or practical difficulty. In addition, there should be no harm to the public or to the zone plan.

Uniqueness and Practical Difficulty

The applicant claims that an exceptional situation exists on this property as a result of the Land Disposition and Development Agreement (LDA) between the applicant and NCRC. The LDA between the two parties requires the applicant to construct a building containing 56 units and 20,000 square feet of retail. The building also must contain "ample" underground parking. 28 of the units must be affordable at a mix of 30, 60 and 80 percent of Area Median Income. There will be a mix of one, two and three-bedroom units throughout the building.

The practical difficulty claimed by the applicant arises from the requirements of the private contract of sale (LDA). In order to provide the agreed upon residential and retail space the applicant is faced with either seeking zoning relief from one or more requirements or

building stories with substandard floor-to-ceiling heights The significant drop in both retail and residential lease rates with low ceilings led the applicant to seek zoning relief.

In OP's view, however, the project is not appropriate for the variance procedure and cannot properly address the tests of Section 3103.2 The project offers several excellent amenities, including a very large percentage of affordable housing, neighborhood serving retail, and active development of a dead corner along this corridor These arguments make a strong case for a Planned Unit Development (PUD) project, but cannot meet the Board's required tests for a variance The LDA in place on this lot does not represent a unique situation on this property The lot is large, flat, and rectangular It has no outstanding characteristics in and of itself The agreement is not the result of characteristics of the lot or the area nor the result of any government regulations but solely the product of a sales contract

Given this situation, any practical difficulty on the applicant is not related to a physical uniqueness or exceptional situation of the property The expressed practical difficulties are instead self-imposed by the property sale and are intended to be mitigated by the many site amenities This situation calls for review by the Zoning Commission through a PUD process rather than a variance by the BZA

Substantial Detriment and Integrity of the Zoning Regulations

The high ratio of affordable housing, the large amount of on-site parking, and the neighborhood friendly retail are all desired by both the city and the neighborhood. From the perspective of effects on the surrounding neighborhood, the project would have no substantial detriment

However, the project as it is being attempted does have serious implications on the intent and integrity of the zoning regulations The circumstances of this case, while clearly presenting a strong case for approval as a PUD, do not meet the standards for a variance To accept the applicant's arguments and approve this application as a variance not only severely weakens the standards for approval of a variance, but it greatly diminishes the very purpose of the PUD process to grant additional density in return for exemplary development and amenities that benefit of the neighborhood

In summary, OP does not believe that the exceptional situation described by the applicant meets the standards of §3103 for approval of a variance Most notably, no compelling case for the existence of uniqueness has been provided by the applicant Furthermore, approval of this application would be greatly detrimental to the integrity of the zoning regulations

Community Comments

OP has been informed that ANC 1B is in support of the application OP is aware of no neighborhood opposition to the project

Recommendation

The Office of Planning concludes that the applicant has not met the burden of proof, pursuant to 11 DCMR §3103 of the Zoning Regulations, for the granting of the requested variance to permit additional height for the project

OP **cannot recommend approval** of the requested variance for height for the proposed structure at 2750 14th Street N W

EM/tp

Form 145
(Revised 04/29/02)

Case No. 17302

BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

AFFIDAVIT OF POSTING

Notice: See other side of affidavit form for instructions.

DISTRICT OF COLUMBIA, ss:

(Name of person posting the property) Walter Johnston, being first duly sworn, do hereby depose and say that:

I, Walter Johnston (Name of person posting the property), posted 2 (no. of posters) zoning poster(s)

("Notice of Public Hearing") furnished by the Director of the Office of Zoning on private property known as

2750 14th St NW (address of premises) on 3-24-05 (date of posting) at 11:00 AM (time of posting)

The zoning posters were placed in plain view of the public on the street frontages as listed on this affidavit below. I have maintained the posting notice by checking the signs every five days, and by posting new notices as necessary.

I have taken, or authorized to be taken, 2 (no. of photos) photograph(s) of the zoning posters where they have been placed.

The photographs (not to exceed 8 ½? X 11?), attached hereto, clearly show each zoning poster as seen by the public.

The photographs, are numbered and correspond to the following street frontages:

Photograph No.	Street Frontage
#1	2750 14th St NW 14th St Frontage
#2	2750 14th St Girard St frontage

Signature

Subscribed and sworn to before me this 24 (date) day of March (month), 2005 (year).

(signature)

(seal)

Notary Public, D.C.

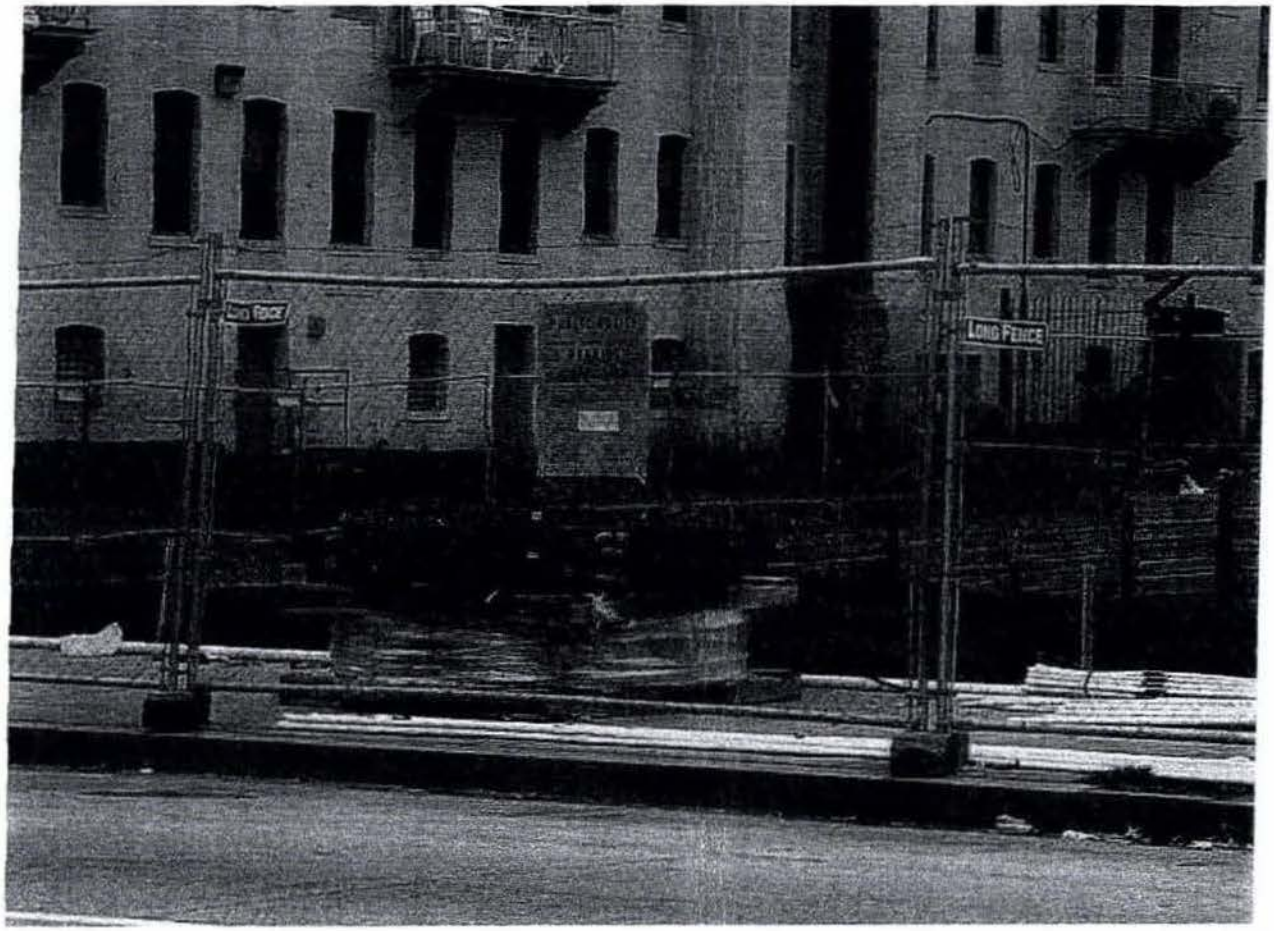
My commission expires on: 1/1/7 (date)

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D.C. OFFICE OF ZONING
2005 MAR 30 AM 8:55

Jerrily R. Kress, FAIA – Director
District of Columbia Office of Zoning

441 4th Street, N.W. Ste. 210-S, Washington, D.C. 20001
(202) 727-6311 * (202) 727-6072 fax * www.dcoz.dc.gov

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Case No. 17302
Exhibit No. 25



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#1



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#2

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT
★ ★ ★

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2005 MAR 30 AM 8:55

Walter Johnston
Non-Profit Community Deve. Corp
1330 New Hampshire Avenue, N W., Suite 111
Washington, D.C. 20036

Re: BZA Application No. 17302

Dear Mr. Johnston:

Your application has been accepted as complete. You are hereby notified to appear before the Board of Zoning Adjustment (Board) on Tuesday 12, April , 2005, at 441 4th Street, N.W., Suite 220 South, Washington, D C., 20001 for a public hearing concerning the following application:

> **Application of Non-Profit Community Development Corporation of D.C. (NPCDC)**, pursuant to 11 DCMR § 3103.2, for a variance from the maximum height requirements under subsection 770 1, to construct a new 7 story apartment (condominium) building with ground floor commercial in the C-2-B District at premises 2750 14th Street, N.W. (Square 2667, Lot 73 (849)).

The property involved in this application is located within the boundaries of Advisory Neighborhood Commission 1B. This application will be heard between 9:30 a.m. and 12:00 p.m

PLEASE NOTE THAT A SIGN(S) MUST BE OBTAINED FROM THE OFFICE OF ZONING TO BE POSTED ON THE PROPERTY. The Board's Rules of Practice and Procedure (11 DCMR §§ 3113 14 through 3113.20) provides that the notice sign must be posted at least 15 days prior to the hearing. The posted notice must also be checked at least once every five days, and replaced when necessary. An affidavit concerning the original posting of the sign must be filed with the Board at least 5 days prior to the hearing. The sign and the affidavit should be picked up from the Office of Zoning, Suite 210 South, 441 4th Street, N.W., Washington, D.C. 20001.

You should be aware that letters and other documents may be submitted to the Board by other individuals, organizations and government agencies both in support of and in opposition to your application At least one week prior to the public hearing, you should review the file in your application so that you are prepared to respond to any issues that may be raised regarding your application.

Further, if you are not clear about what information you must present to the Board in support of your application, please contact the Office of Zoning as soon as possible.

If you have any questions or require any additional information, feel free to call the Office of Zoning at (202) 727-6311.

SINCERELY,

JERRILY R. KRESS, FAIA
Director

cc: Applicant

3-27-05

To Office of Zoning

From NPCAC

RE BZA Application 17302

for your files As Requested

Walter Smith

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D.C. OFFICE OF ZONING
2005 MAR 30 AM 8:56

ANC1B
GOVERNMENT OF THE DISTRICT OF COLUMBIA
PO BOX 73710, WASHINGTON, DC 20056

Myla Moss, Phil Spalding, Catherine Hammonds, Deairich R. Hunter, Mike Smith, Tim Stephens, Lori Parker, Rosemary Akinmboni, Thomas K. D. Smith, Nate Matthews, Raymond Wright

5 March 2005

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D.C. OFFICE OF ZONING
2005 MAR -8 PM 3:02

Geoffrey Griffis, Chairman
Board of Zoning Adjustment
Suite 210 South, 441 4th Street NW
Washington, DC 20001

BZA Case No. 17302
Lofts at the Heights of Columbia

Dear Chairman Griffis:

At its regularly scheduled meeting on March 3, 2005 (notice of which was properly given, and at which a quorum of ten of eleven members was present) ANC1B voted unanimous (10-0-0) support for variance from DCCMR 11, Section 770.1 as applied for by Non Profit Community Development corporation of Washington DC on NCRC Parcel 5 located at 2750 14th Street NW. While cognizant of the reasons for limiting height, the Commission does not feel that the additional height requested will have lasting impact on its neighboring community. The Commission does believe the applicant's argument that the additional ceiling height allowed to the ground level commercial floor will positively affect their ability to attract retail tenants more in harmony with the surrounding residential community. The Commission was also favorably impressed by this applicant's ability to achieve a fifty percent mix of affordable residential units which the Commission believes to be critical to the future health of our neighborhood. In its vote the Commission did also delegate Commissioners Philip Spalding and Thomas Smith to represent ANC1B before the Board on this application. We ask the Board to give great weight to our support for Application 17302.

Sincerely,

Deairich R. Hunter, Chairperson

Philip C. Spalding, Secretary

CC Litman Development
Councilmember Jim Graham
South Columbia Heights Neighborhood Association

BZA
Case No. 17302
Exhibit No. 23

DC Office of Zoning
Board of Zoning Adjustment
Office of the Director
Ms. Jerrily R. Kress, FAIA - Director
441 4th Street NW – Suite 210-South
Washington, DC 20001

SoCo Heights Neighborhood Association

1336 Fairmont St, NW
Washington, DC 20009

February 5, 2005

BZA # 17302

Dear Ms. Kress,

I would like to express our association's support for the request in a height variance by NPCDC for 2750 14th Street, NW (Lot 73 and Square 2667).

As the neighborhood directly impacted by this development, we have been diligently working with Mr. Walter Johnston over the last 2 years to ensure that the "Heights of Columbia" project provides suitable affordable housing opportunities and attracts quality retail.

The original 65-foot design already approved by NCRC and BZA would be as tall as Fairmont II (1401 Fairmont Street) immediately south of this site. The additional 9.25 feet requested for a total of 74.25 feet would not have a detrimental impact on the neighboring buildings and would provide the necessary space adjustments to increase affordable housing opportunities and bring in quality retail proposals. Both of these points are of key concern to our community.

Thank you very much for staying engaged with our community to ensure successful AND community friendly development.

Warm Regards,

G.M. Ventura

Gustavo Ventura
President
South Columbia Heights Neighborhood Association *(SoCo Heights NA)*
– a member of CAI

cc:
Councilman Graham
ANC 1B Chair
ANC 1B07

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2005 MAR -4 PM 2:49

BZA
Case No. 17302
Exhibit No. 22

www.socoheights.com
(202) 238-9060

11Ua

Please find attached the following information. I hope it is adequate.

- 2005 Certificate of Good Standing
- Taxpayer Identification Number
- NPCDC Articles of incorporation
- NPCDC Bylaws
- IRS 501-(c)-(3) status letter
- Certificate of Exemption for D.C. & MD
- Master Business License
- Short Background Mission statement on NPCDC

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2005 FEB 10 AM 9:03

BZA
Case No. 17302
Exhibit No. 21

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

CERTIFICATE

THIS IS TO CERTIFY that there were received and accepted for record in the Department of Consumer and Regulatory Affairs, Corporations Division, on the **14th** day of **February , 1994** ***Articles of Incorporation of:***

NON-PROFIT COMMUNITY DEVELOPMENT CORPORATION OF WASHINGTON, D.C., INC. (THE)

The above named corporation is duly incorporated and existing pursuant to and by virtue of the Nonprofit Corporation Act of the District of Columbia and authorized to **conduct its affairs** in the District of Columbia as of the date mentioned above.

WE FURTHER CERTIFY that the above entitled corporation is at the time of issuance of this certificate in **Good Standing** , according to the records of the Corporations Division, having filed all reports required by the District of Columbia Nonprofit Corporation Act.

IN TESTIMONY WHEREOF I have hereunto set my hand and caused the seal of this office to be affixed this **3rd** day of **February , 2005** .

Patrick J. Canavan
Acting Director

John T. Drann
Administrator
Business and Professional Licensing Administration

Patricia E. Grays
Superintendent of Corporations
Corporations Division

Anthony A. Williams
Mayor

Form **W-9**
(Rev. January 2002)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give form to the requester. Do not send to the IRS.

Print or type
See Specific Instructions on page 2.

Name
Non-Profit Community Development Corporation of Washington, DC

Business name, if different from above
NPCDC of Washington, DC

Check appropriate box: ☐ Individual/ Sole proprietor ☒ Corporation ☐ Partnership ☐ Other ▶ ..... ☐ Exempt from backup withholding

Address (number, street, and apt. or suite no.)
1330 New Hampshire Ave., NW, Suite 111

Requester's name and address (optional)

City, state, and ZIP code
Washington, DC 20036

List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. For individuals, this is your social security number (SSN). **However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 2.** For other entities, it is your employer identification number (EIN). If you do not have a number, see **How to get a TIN** on page 2.

Note: *If the account is in more than one name, see the chart on page 2 for guidelines on whose number to enter*

Social security number
			–			–		

or

Employer identification number
5	2	–	1	8	6	9	3	9	3

Part II Certification

Under penalties of perjury, I certify that

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. person (including a U.S. resident alien).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 2.)

Sign Here Signature of U.S. person ▶ [signature] Date ▶ 5/10/02

Purpose of Form

A person who is required to file an information return with the IRS must get your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to give your correct TIN to the person requesting it (the requester) and, when applicable, to

1. Certify the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee.

If you are a foreign person, use the appropriate Form W-8. See **Pub. 515,** Withholding of Tax on Nonresident Aliens and Foreign Entities.

Note: *If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.*

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 30% of such payments after December 31, 2001 (29% after December 31, 2003). This is called "backup withholding." Payments that may be subject to backup withholding include interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester, or
2. You do not certify your TIN when required (see the Part II instructions on page 2 for details), or
3. The IRS tells the requester that you furnished an incorrect TIN, or
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions on page 2 and the separate **Instructions for the Requester of Form W-9.**

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of $50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a $500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of Federal law, the requester may be subject to civil and criminal penalties.

ARTICLES OF INCORPORATION
OF
THE NON-PROFIT COMMUNITY DEVELOPMENT CORPORATION OF WASHINGTON, D.C., INC.

TO: Department of Consumer and Regulatory Affairs
Corporation Division
614 H Street, N.W., Washington, DC 20001

PREAMBLE: We, the undersigned natural persons of the age of twenty-one years or more, acting as incorporators of a corporation under the NON-PROFIT CORPORATION ACT (D.C. Code, 1981 edition, Title 29, Chapter 5), adopt the following Articles of Incorporation:

FIRST. The name of the corporation shall be:
THE NON-PROFIT COMMUNITY DEVELOPMENT CORPORATION OF WASHINGTON, D.C, INC.

SECOND. The period of duration of the Corporation shall be PERPETUAL.

THIRD. The purpose or purposes for which the Corporation is organized are exclusively for charitable, religious, educational, and scientific purposes, and especially for the purpose of furthering the goals of community and economic development,housing assistance and creation, training and job creation, and opening job markets to individuals who have habitually been denied long-term employment, and including:

To buy, sell, hypothecate, and rehabilitate housing units in order to provide the community with a greater housing stock;

To secure and provide housing on a temporary basis to individuals unable to secure adequate housing;

FILED FEB 14 1991

To secure and provide housing and other assistance to individuals and groups involved in government or community sponsored programs such as: treatment for drug and alcohol dependency; rehabilitation of youth offenders; support for women and children who have suffered abuse; assistance to HIV-positive/AIDS-infected individuals; and other programs with similar goals;

To secure and provide nursing home and transitional housing, and other assistance to the elderly.

To provide guidance and counseling to individuals housed in units owned and /or managed by the Corporation, including drug and alcohol treatment and education, HIV/AIDS counseling, self-sufficiency training, and access to other community outreach programs;

To research issues related to housing, homelessness, drug abuse treatment, alcohol dependency treatment; AIDS research, rehabilitation of youth offenders, and support of abused women and children, and to initiate programs to assist such individuals;

FOURTH. The Corporation shall have two (2) classes of members, such classes being designated "Members" and "Patrons". The qualifications and rights of the members of each class shall be identical except that annual dues shall be greater for Patrons and membership in such classes may be acknowledged in certain Corporate communications. No members shall have voting privileges.

FIFTH. The manner of election of the members of the Board of directors shall be set forth in the Bylaws of the Corporation as adopted by the initial Board of Directors designated herein.

SIXTH. There are no provisions regulating the internal affairs of the corporation.

UPON DISSOLUTION of the Corporation, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the corporation, dispose of all of the assets of the corporation exclusively for charitable, educational, religious, or scientific purposes as at the time shall qualify as an exempt organization under Section 501 (c)(3) of the Internal Revenue Code (or the corresponding provisions of any United States Internal Revenue Code (or the corresponding provisions of any United States Internal Revenue Law), as the Board of Directors shall determine. Any such assets not so disposed shall be disposed of by the Court of Common Pleas of the County in which the principal office of the corporation is then located, exclusively for such purposes or to such organization(s), as said Court shall determine, which are organized and operated for such purposes.

SEVENTH. The address of the registered office shall be:
1330 NEW HAMPSHIRE AVE., N W., SUITE 111
WASHINGTON, DC 20036

The name of the registered agent at such address shall be :
IRENA I. KARPINSKI

EIGHTH. The number of directors constituting the initial board of directors shall be

THREE (3); as follows:

IRENA I. KARPINSKI
1330 New Hampshire Ave., N.W., Suite 111
Washington, DC 20036

Arthur Poms
4921 Auburn Avenue
Bethesda, MD 20814

STEVEN D. HELLER
1330 New Hampshire Ave., N.W., Suite 111
Washington, DC 20009

NINTH. The names and addresses of each incorporator are as follows:

IRENA I. KARPINSKI
1330 New Hampshire Ave., N.W., Suite 111
Washington, DC 20036

ARTHUR POMS
4921 Auburn
Bethesda, MD 20814

STEVEN D. HELLER
1330 New Hampshire Ave., N.W., Suite 111
Washington, DC 20009

Dated this 7 day of February, 1993.

Witness to All

Irena I. Karpinski

Arthur Poms

Steven D Heller

I, Kimberly Steele a Notary Public, hereby certify that on the 14 day of January, 1994, Irena I. Karpinski, Arthur Poms, and Steven D. Heller appeared before me and signed the foregoing document as incorporators, and have averred that the statements therein contained are true.

Kimberly M Steele
Notary Signature

My commission expires.

KIMBERLY M. STEELE
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires September 14, 1996

BYLAWS

OF

THE NON-PROFIT COMMUNITY DEVELOPMENT CORPORATION OF WASHINGTON, D.C., INC.

ARTICLE I

NAME

The name of the corporation shall be THE NON-PROFIT COMMUNITY DEVELOPMENT CORPORATION OF WASHINGTON, D C., Inc

ARTICLE II

OFFICE

The principal office of the Corporation shall be in the District of Columbia The Corporation may have such additional offices as the Board of Directors from time to time may determine and as the business of the Corporation may require

ARTICLE III

PURPOSE

The purpose of the Corporation shall be to further the goals of community development, including:

1. To buy, sell, hypothecate, and rehabilitate housing units in order to provide the community with a greater housing stock..
2. To secure and provide housing on a temporary basis to individuals unable to secure adequate housing,
3. To secure and provide housing and other assistance to individuals and groups involved in government or community sponsored programs such as treatment for drug and alcohol dependency, rehabilitation of youth offenders, support for women and children who have suffered abuse; assistance to HIV-positive/AIDS-infected individuals; and other programs with similar goals,
4. To secure and provide nursing home and transitional housing, and other assistance to the elderly

5 To provide guidance and counseling to individuals housed in units owned and /or managed by the Corporation, including drug and alcohol treatment and education, HIV/AIDS counseling, self-sufficiency training, and access to other community outreach programs,

6. To research issues related to housing, homelessness, drug abuse treatment alcohol dependency treatment, AIDS research, rehabilitation of youth offenders, and support of abused women and children, and to initiate programs to assist such individuals,

7 To engage in other legal activities consistent with the goals of the Corporation.

ARTICLE IV

DIRECTORS

SECTION 1. NUMBER AND QUALIFICATIONS The management and control of the affairs, business, and property of the the Corporation shall be vested in its Board of Director The number of directors of the Corporation shell be not less than three (3) nor more than fifteen (15), which number may be increased or decreased from time to time by amendment of these Bylaws

SECTION 2. ANNUAL MEETING. The annual meeting of the Board of Director shall be held in each year on the first Monday of October pursuant to notice mailed by the Secretary at least 10 days, but not more than 50 days, prior to the date of the meeting

SECTION 3. REGULAR MEETINGS. Regular meetings of the Board of Directors may be held at such places and at such times as the Board may from time to time determine by resolution If any day fixed for a regular meeting shall be a legal holiday at the place where the meeting is to be held, then the meeting which otherwise would be held on that day shall be held at the same hour on the next succeeding business day . No notice of regular meetings of the Board of Director need be given

SECTION 4. SPECIAL MEETINGS Special meetings of the Board of Directors shall be held whenever called by the president or by a majority of the directors Notice of each special meeting of the Board of Directors shall be given to each director at least two days before that day on which the special meeting is to be held. Every such notice shall state the time and place of the meeting and the purpose thereof The business transacted at such special meeting shall be confined to the purposes stated in the notice

SECTION 5. QUORUM At each meeting of the Board of Directors, at least a majority of the directors shall be present in order to constitute a quorum for the transaction of business In the absence of a quorum, any director present may adjourn any meeting from time to time until a quorum is had Notice of any such adjourned meeting need not be given.

SECTION 6. PLACE OF MEETING The Board of Directors may hold its meetings at such places within or without the District of Columbia, as specified in the requisite notice when appropriate

SECTION 7. TERM OF OFFICE AND ELECTION Directors shall be appointed by a majority vote of the entire Board for a term of two years and until a successor is appointed Vacancies shall be expeditiously filled subject to the procedures stated in these bylaws

SECTION 8. RESIGNATION Any director may resign at any time by giving written notice to the President or to the Secretary The resignation of any director shall take effect at the time specified in such notice, and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective

ARTICLE V

OFFICERS

SECTION 1. OFFICERS AND QUALIFICATIONS. The Officers of the Corporation shall be a President, a Vice President, an Executive Director, a Secretary, and a Treasurer Any person may hold two or more offices, except that the President may not serve as a Secretary, but in no case shall one person sign a single instrument of any kind in more than one capacity None of the officers except the President need be a member of the Board of Directors

SECTION 2. PRESIDENT. The President shall be the chief executive officer of the Corporation. He shall preside at all meetings of the Board of Directors, shall have active and general management of the Corporation, and shall see that all orders and resolutions of the Board are carried into effect. He shall have the general powers and duties of supervision and management usually vested in the office of president of a corporation The President also shall appoint and discharge all subordinate agents and employees and fix their salaries, subject to review by the Board of Directors, and shall

designate the duties they are to perform

SECTION 3. VICE PRESIDENT. The Vice President shall perform such duties as may be assigned by the Board of Directors or by the President and, in the absence or incapacity of the President, shall serve as Acting President with all authority incident to such office Both the President and Vice President shall be empowered to contractually bind the Corporation

SECTION 4. SECRETARY. The Secretary shall keep the minutes of the meetings of the Board of Directors in appropriate books He shall attend to the giving of all notices of the Corporation He shall have charge of the books or records of the Corporation and such other books and papers as the Board may direct, and shall perform all the duties incidental to his office

SECTION 5. TREASURER. The Treasurer shall have the care and custody of all the funds and securities of the Corporation and shall deposit the same in the name of the Corporation in such banks or depositaries as the Board of Directors may from time to time select

SECTION 6. OTHER OFFICERS. Other officers shall perform such duties and have such powers as may be assigned to them by the Board

SECTION 7. COMPENSATION. Officers shall receive such salary or compensation as may be fixed by the Board

SECTION 8. BOND. The Board of Directors, by resolution, may require any or all of the officers of the Corporation to give bonds in favor of the Corporation, with sufficient surety or sureties, and in such amounts as the Board of Directors may fix, conditioned upon the faithful performance of the duties of their respective officers

ARTICLE VI

EXECUTIVE DIRECTOR

SECTION 1. The Board of Directors shall appoint and fix the compensation for an Executive Director, who shall be responsible for the day-to-day management of the Corporation. The Executive Director shall be directly responsible to the President and the Vice-President, and shall report to the Board upon Board request, and shall submit written reports to the Board at regular Board meetings The Executive Director shall oversee all

hiring by the Corporation, subject to Board approval

ARTICLE VII

PANELS AND COMMITTEES

SECTION 1. PANELS. The Board of Directors may appoint one or more panels of consultants, skilled in their particular fields of expertise, to advise the Corporation

SECTION 2. COMMITTEES. The Board of Directors shall appoint members to various committees, standing and ad hoc, as needed. Such committees may include· Finance, Educational Programs; Property Acquisition, Counseling Programs; and others. An **EXECUTIVE COMMITTEE** may be delegated by the Board to act in the place of the Board Such committee shall be comprised of the officers and other Board members selected by the Board, and shall have full powers of the Board, except with regard to the power to amend, alter or repeals these Bylaws All actions of such Executive Committee shall be reported to the full Board The Executive Committee shall submit a written report to each regular Board Meeting

ARTICLE VIII

SEAL

The seal of the Corporation shall have inscribed thereon the name of the Corporation, the year in which incorporated, and the words, "District of Colombia - Corporate Seal"

ARTICLE IX

NOTICES

SECTION 1. WRITTEN NOTICE. Whenever the provisions of a statute or the Articles of Incorporation or any of these Bylaws require or permit notice to be given to any director, officer, or member, it shall not be construed to require personal notice, but any such notice may be given in writing by depositing the same in a post office or letter box with a prepaid, sealed wrapper, or by delivering the same to a telegraph company for transmission by wire, the cost thereof being prepaid, in either case addressed to such director, officer, or member at his address as the same appears on the books of the Corporation, and the time when the same shall be so mailed or delivered to the telegraph

company shall be deemed to be the time of the giving of such notice.

SECTION 2. WAIVERS. Any member or director may waive in writing or by telegraph any notice required or permitted to be given under any provisions of any statute or of the Certificate of Incorporation or of these Bylaws, either before, at, or after the meeting or other event of which notice is so provided. All shareholders or directors present at any meeting shall be deemed to have waived any and all notice thereof.

ARTICLE X

INDEMNIFICATION

Each of the officers and directors who renders services for the Corporation shall be, and is hereby, indemnified and held harmless by the Corporation from and against any and all liabilities, claims, losses, demands, and expenses whatsoever arising out of or by reason of any negligent or wrongful acts or misconduct committed by him/her, or by any person under his/her direct supervision and control, while rendering services on behalf of the Corporation; provided, however, the Corporation shall not be so liable with respect to any matter in which such person has been guilty of willful misconduct, fraud or material misrepresentation to the Corporation, its Bard of Directors, the shareholders, or any other person

ARTICLE XI

FISCAL YEAR

The fiscal year of the Corporation shall begin on the 1st day of January every year, except that the first fiscal year shall begin on the day the Corporation begins doing business

ARTICLE XII

AMENDMENT OF THESE BYLAWS

The Board of Directors, by a vote or a majority of those present at any meeting at which a quorum is present, any alter, amend, or repeal these Bylaws, and any Bylaw or alteration, amendment, or repeal so made may be further amended, altered, or repealed by the Board of Directors as herein provided

INTERNAL REVENUE SER\ E
DISTRICT DIRECTOR
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date:
JUL 02 1998

THE NON-PROFIT COMMUNITY
DEVELOPMENT CORPORATION OF WSH DC
C/O IRENA KARPINSKI
1330 NEW HAMPSHIRE AVE NW STE 111
WASHINGTON, DC 20036-6300

Employer Identification Number:
52-1869393
DLN:
17053093942049
Contact Person:
HIRAM LEE HARVILLE ID# 31257
Contact Telephone Number:
(877) 829-5500

Our Letter Dated:
September 1995
Addendum Applies:
No

Dear Applicant

This modifies our letter of the above date in which we stated that you would be treated as an organization that is not a private foundation until the expiration of your advance ruling period.

Your exempt status under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) is still in effect. Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Code because you are an organization of the type described in section 509(a)(1) and 170(b)(1)(A)(vi).

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

If we have indicated in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,

C. Ashley Bullard

District Director

Letter 1050 (DO/CG)

INTERNAL REVENUE SERVICE
DISTRICT DIRECTOR
31 HOPKINS PLAZA
BALTIMORE, MD 21201

DEPARTMENT OF THE TREASURY

Date:
SEP 26 1995

THE NON-PROFIT COMMUNITY
DEVELOPMENT CORPORATION OF
WASHINGTON, D.C., INC.
C/O IRENA KARPINSKI
1330 NEW HAMPSHIRE AVE NW # 111
WASHINGTON, DC 20036

Employer Identification Number:
52-1869393
Case Number:
525205073
Contact Person:
RODERICK LANCASTER
Contact Telephone Number:
(410) 962-9504

Accounting Period Ending:
December 31
Foundation Status Classification:
509(a)(1)
Advance Ruling Period Begins:
2/14/94
Advance Ruling Period Ends:
12,31,'98
Addendum Applies:
Yes

Dear Applicant.

Based on information you supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

Because you are a newly created organization, we are not now making a final determination of your foundation status under section 509(a) of the Code. However, we have determined that you can reasonably expect to be a publicly supported organization described in sections 509(a)(1) and 170(b)(1)(A)(vi).

Accordingly, during an advance ruling period you will be treated as a publicly supported organization, and not as a private foundation. This advance ruling period begins and ends on the dates shown above.

Within 90 days after the end of your advance ruling period, you must send us the information needed to determine whether you have met the requirements of the applicable support test during the advance ruling period. If you establish that you have been a publicly supported organization, we will classify you as a section 509(a)(1) or 509(a)(2) organization as long as you continue to meet the requirements of the applicable support test. If you do not meet the public support requirements during the advance ruling period, we will classify you as a private foundation for future periods. Also, if we classify you as a private foundation, we will treat you as a private foundation from your beginning date for purposes of section 507(d) and 4940.

Grantors and contributors may rely on our determination that you are not a private foundation until 90 days after the end of your advance ruling period. If you send us the required information within the 90 days, grantors and contributors may continue to rely on the advance determination until we make a final determination of your foundation status.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Finance and Revenue

21248

CERTIFICATE OF EXEMPTION

ISSUED PURSUANT TO DISTRICT OF COLUMBIA SALES AND USE TAX ACTS

THIS CERTIFIES THAT

NON PROFIT COMMUNITY DEVELOP CORP WASH
1330 NEW HAMPSHIRE AVE NW 111
WASHINGTON DC 20036

DATE ISSUED	CERTIFICATE NUMBER
01/06/98	8399-0230917-001

THIS CERTIFICATE IS NONTRANSFERABLE

NATWAR M GANDHI
DEPUTY C F O

FR-551 (REV.) 7/83

is entitled to exemption from the District of Columbia Sales and Use Tax under authority of the District of Columbia Sales and Use Tax Acts

THIS CERTIFICATE MUST BE POSTED IN A CONSPICUOUS PLACE

Comptroller of Maryland
Sales and Use Tax Exemption Certificate

Account Number
31174981

Expiration Date
09/30/2007

Name
NON PROFIT COMMUNITY DEVELOP
CORP OF WASHINGTON DC LLP
1330 NEW HAMPSHIRE AVE NW
NW #111
WASHINGTON, DC 20036-6350

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Anthony A. Williams, Mayor

Department of Consumer and Regulatory Affairs
Business License Center - Room 1100
941 North Capitol Street, N.E.
Washington D.C. 20002

Date Issued: 9/26/2002
Unique Business ID#
52-18XXXX-7539
License Period:
9/26/2002 - 9/25/2004

MASTER BUSINESS LICENSE CLASS B

Applicant's Name and Mailing Address :	Name and Licensed Premise Address:	Registered Agent and Agent Address:
NON-PROFIT COMMUNITY DEVELOPME 1330 NEW HAMPSHIRE AVE, NW SUITE 111 WASHINGTON, DC 20036-6300	NON-PROFIT COMMUNITY DEVELOPME 1330 NEW HAMPSHIRE AVE NW 111 WASHINGTON DC 20036-6300	MICHAEL SANDERS POWELL GOLDSTEIN LAW FIRM 1001 PENNSYLVANIA AVE, NW WASHINGTON DC 20004

C of O#: CO 38687	Home Occ #	SQUARE: 0097	LOT: 2056	ZONE: SP2	WARD:	ANC:

GENERAL BUSINESS LICENSE - OTHER BUSINESS SERVICES

*** THE LAW REQUIRES THIS LICENSE TO BE POSTED IN A CONSPICUOUS

David A. Clark, DIRECTOR

ADDENDUM

It is a violation of the DC regulation 73-22 "Human Rights Law to discriminate for any reason other than individual merit, including but not limited to discrimination by reason of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, matriculation, political affiliation, physical handicap, source of income, and place of residence or business. Failure or refusal to

THE NON PROFIT COMMUNITY DEVELOPMENT CORPORATION OF WASHINGTON D.C., INC.

npcdc

Background on NPCDC

NPCDC's Mission, History, and Programs

NPCDCs mission is to initiate, sponsor, and operate housing and economic development projects that improve the quality of life for low-income working families and that promote neighborhood revitalization To date, NPCDC has focused its efforts in metropolitan Washington, DC This year, it will expand to rural Virginia Established in 1994, NPCDC has realized tremendous growth over the past three years, as its intensive project development efforts have come to fruition

NPCDC's greatest success is the redevelopment of the Douglas Gardens property, an 18-building project in DC's Congress Heights neighborhood that sat abandoned for 12 years When NPCDC found this property in 1996, it was encumbered by almost $1 million in liens and was a haven for criminal activity Working closely with more than eight District agencies, NPCDC gained site control of the property at the end of 1999, reduced the liens, and secured Low-Income Housing Tax Credits NPCDC renamed the property Douglas Knoll, began construction in 2001, and within 16 months of gaining site control, had completed enough of the $25 million rehabilitation for tenants to move in NPCDC completed the renovation on time and within budget. The property features 184 two- and three-bedroom units, many with two stories and cathedral ceilings Today, the property is fully occupied and NPCDC must turn away tenants NPCDC has parlayed its success with Douglas Knoll into public support for other projects It has secured site control and tax credit financing for 75 scattered site units in Anacostia, has been authorized through the Mayor's HomeAgain initiative to rehabilitate vacant or abandoned properties as homeownership units, and was selected by the National Capital Revitalization Corporation to develop an in-fill property in Columbia Heights as affordable home-ownership condominiums and community-oriented commercial space

NPCDC operates three major development programs the affordable rental housing program, the homeownership program, and the community services program. The rental and homeownership programs redevelop, preserve, or build housing that is affordable over the long term The community services program develops supportive services or facilities for residents in NPCDC projects and their neighbors.

NPCDC's Washington, DC Vacant and Abandoned Housing Rehabilitation Program

In 2002, the DC Mayor s Office selected NPCDC as a contractor eligible to bid on vacant or abandoned parcels of land owned by the District for redevelopment as affordable and moderately priced housing NPCDC submitted a successful bid for Bundle 2 which includes the following properties 814 Delafield Place, NW, 964 Mt Olivet Road, NE, 223 Webster Street, NW, lot on Riggs Road, NE, 1145 Summit Street, NE, and 1147

1330 New Hampshire Avenue NW Suite 111 Washington DC 20036
E-mail npcdcofdc@aol.com
Tel 202-861-5839 • Fax 202-861-1240

A 501(C)(3) organization

Summit Street, NE. NPCDC will rehabilitate existing or build new housing at these sites and make them available to first-time homeowners

NPCDC has developed a strategic partnership with HomeFree USA in order to ensure that the families who purchase the homes have the financial skills they need to be successful owners HomeFree USA provides extensive home-buyer and home-owner training to its clients and helps them find affordable mortgage products. None of HomeFree USA's clients has defaulted on a mortgage within the first five years of home-ownership, a remarkable accomplishment given that its clients have low incomes and are thus more vulnerable to negative changes in the economy HomeFree USA's clients benefit from this partnership because it provides high quality affordable housing, which is in limited supply in the District

NPCDC's Recent Accomplishments

2002

- Completed $25 million renovation and lease-up of Douglas Knoll Cooperative Apartments, a 184-unit tax credit community in Congress Heights
- Received development rights from the National Capital Revitalization Corporation for Parcel 5 in its Columbia Heights development competition. NPCDC will build 56 mixed-income home-ownership condominiums and approximately 15 000 square feet of community commercial space A $250.000 rent write-down reserve will subsidize rents for community-based or small businesses Total development cost will be $18 million
- Was awarded 9 percent Low-Income Housing Tax Credits to rehabilitate two vacant properties as 62 units of scattered-site affordable housing in Anacostia. Total development cost for this project, called Stanton Park, will be $9 million.
- Chosen by DC Mayor's Office as an eligible contractor for its HomeAgain Initiative to redevelop vacant or abandoned properties throughout DC as homes for sale to low- and middle-income families
- Submitted a successful bid to rehabilitate six vacant or abandoned DC sites as homes for sale via the HomeAgain Initiative. Total development cost will be $1 million.
- Received preliminary approval for 9 percent tax credits to redevelop an abandoned 17-unit building on W Street in historic Anacostia. Total development cost will be $2.5 million. Also received $300,000 in McKinney Act funding to purchase surrounding properties in order to revitalize the whole block.

2003

- Closed on funding for Stanton Park and will begin construction in Spring
- Will close on financing for W Street property.
- Will acquire 335 rural rental housing units in Virginia via the Mark-to-Market program

NPCDC's Board and Staff

NPCDC is overseen by a six-member board of directors that has expertise in family crisis law, health care administration, and delivery of health care and social services. Michelle

THE NON-PROFIT COMMUNITY DEVELOPMENT CORPORATION of WASHINGTON, D.C., INC.

npcdc

RECEIVED
D.C. OFFICE OF ZONING
2005 FEB 10 AM 9:03

Linda

I Hope This helps.

Mark Johnson

1330 New Hampshire Avenue NW • Suite 111 • Washington, DC 20036
E-mail npcdcofdc@aol.com
Tel 202-861-5839 • Fax 202-861-1240

A 501(C)(3) organization

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



February 14, 2005

Walter Johnston
Non Profit Community Development Corporation
1330 New Hampshire Avenue, N.W., Suite 111
Washington, D.C. 20036

Re: BZA Application No. 17302 (2750 14th Street, N.W. – Non Profit Community Development Corporation) Request for Waiver of Filing Fee

Dear Mr. Johnston:

The Office of Zoning has reviewed your request for a waiver of the filing fee in the above-cited application. 11 DCMR subsection 3180.4, states that "The following appellants shall not be required to pay a filing fee:" Please be advised that the word appellants (as opposed to an applicant) has been interpreted to mean a person or other entity filing an appeal of a decision of an administrative officer or body as provided for under subsection 3112.1. NPCDC is filing a special exception application. As such NPCDC is considered an Applicant that is subject to the Schedule of Fees provided under subsection 3180.1(b)(16). For the reasons stated above, your request for a waiver of the filing fee is denied.

Please call Richard S. Nero, Jr., Chief, Support Services and Quality Control on (202) 727-2806, if you have any questions relevant to this matter.

SINCERELY,

JERRILY R. KRESS, FAIA
Director, Office of Zoning

rsn

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17302
EXHIBIT NO. 20

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO: 17302

As Director of the Board of Zoning Adjustment, I certify and attest that letters of notice have been prepared and mailed to all owners of property within 200 feet of the subject property based on the listing of owners submitted by the applicant as required by instructions on the BZA Application Form, and as determined by this office; the ANC Single Member District, and the City Council Member for the Ward of the subject application.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

DATE: FEB 14 2005

attestltr/ljp

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17302
EXHIBIT NO. 19

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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FEB 14 2005

Walter Johnston
Non-Profit Community Deve. Corp.
1330 New Hampshire Avenue, N.W., Suite 111
Washington, D.C. 20036

Re: BZA Application No. 17302

Dear Mr. Johnston:

Your application has been accepted as complete. You are hereby notified to appear before the Board of Zoning Adjustment (Board) on Tuesday 12, April , 2005, at 441 4th Street, N.W., Suite 220 South, Washington, D.C., 20001 for a public hearing concerning the following application:

Application of Non-Profit Community Development Corporation of D.C. (NPCDC), pursuant to 11 DCMR § 3103.2, for a variance from the maximum height requirements under subsection 770.1, to construct a new 7 story apartment (condominium) building with ground floor commercial in the C-2-B District at premises 2750 14th Street, N.W. (Square 2667, Lot 73 (849)).

The property involved in this application is located within the boundaries of Advisory Neighborhood Commission 1B. This application will be heard between 9:30 a.m. and 12:00 p.m.

PLEASE NOTE THAT A SIGN(S) MUST BE OBTAINED FROM THE OFFICE OF ZONING TO BE POSTED ON THE PROPERTY. The Board's Rules of Practice and Procedure (11 DCMR §§ 3113.14 through 3113.20) provides that the notice sign must be posted at least 15 days prior to the hearing. The posted notice must also be checked at least once every five days, and replaced when necessary. An affidavit concerning the original posting of the sign must be filed with the Board at least 5 days prior to the hearing. The sign and the affidavit should be picked up from the Office of Zoning, Suite 210 South, 441 4th Street, N.W., Washington, D.C. 20001.

You should be aware that letters and other documents may be submitted to the Board by other individuals, organizations and government agencies both in support of and in opposition to your application. At least one week prior to the public hearing, you should review the file in your application so that you are prepared to respond to any issues that may be raised regarding your application.

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17302
EXHIBIT NO. 18

Further, if you are not clear about what information you must present to the Board in support of your application, please contact the Office of Zoning as soon as possible.

If you have any questions or require any additional information, feel free to call the Office of Zoning at (202) 727-6311.

SINCERELY,

JERRILY R. KRESS, FAIA
Director

cc: Applicant

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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FEB 14 2005

Deborah Thomas, Chairperson
Advisory Neighborhood Commission 1B
1200 U Street, N.W.
P.O. Box 73710
Washington, DC 20056

Re: BZA Application No. 17302

Dear Ms. Thomas:

This is to advise you that a public hearing has been scheduled by the Board of Zoning Adjustment to consider the following application which is located within the boundaries of your ANC area:

> **Application of Non-Profit Community Development Corporation of D.C. (NPCDC)**, pursuant to 11 DCMR § 3103.2, for a variance from the maximum height requirements under subsection 770.1, to construct a new 7 story apartment (condominium) building with ground floor commercial in the C-2-B District at premises 2750 14th Street, N.W. (Square 2667, Lot 73 (849)).

The hearing will be held on Tuesday, April 12, 2005, in Suite 220, 441 4th Street, N.W., Washington, D.C. 20001. This application will be heard between 9:30 a.m. and 6:00 p.m.

You are advised that 11 DCMR Section 3115.1 sets out certain requirements related to reports of ANCs, and specifically that Section 3115 requires that the written report of the ANC be filed with the Board at least seven days in advance of the hearing. A copy of Section 3115 is enclosed for your convenience. Information on the procedures which will govern consideration of this case are also available from the Office of Zoning, in Suite 210, 441 4th Street, N.W. Washington, D.C. 20001. The telephone number for the Office of Zoning is (202) 727-6311.

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17302
EXHIBIT NO. 17

If you wish to forward comments in writing directly to the Board, such comments should be addressed to the Board of Zoning Adjustment at 441 4th Street, N.W., Suite 210 South, Washington, D.C. 20001.

SINCERELY,

JERRILY R. KRESS, FAIA
Director

Enclosure

EXCERPT FROM TITLE 11 DCMR, "ZONING

3115 ADVISORY NEIGHBORHOOD COMMISSIONS

3115.1 The written report of the ANC shall be submitted to the Board at least seven (7) days in advance of the hearing and shall contain the following information:

(a) An identification of the appeal or application;

(b) When the public meeting of the ANC to consider the appeal or application was held;

(c) Whether proper notice of that meeting was given by the ANC;

(d) The number of members of the ANC that constitutes a quorum and the number of members present at the meeting;

(e) The issues and concerns of the ANC about the appeal or application, as related to the standards of the Zoning Regulations against the appeal or application must be judged;

(f) The recommendation, if any, of the ANC as to the disposition of the appeal or application;

(g) The vote on the motion to adopt the report to the Board;

(h) The name of the person who is authorized by the ANC to present the report; and

(i) The signature of the chairperson or vice-chairperson of the ANC.

3115.2 The Board shall give "great weight" to the written report of the ANC, as required by No. 1-261, D.C. Code, 1982 ed.

3115.3 In the event the ANC submits its report on the basis of understandings, agreements, or meetings with the appellant, or applicant which later are modified by appellant or applicant, the designated representative of the ANC may comment orally concerning the specific inconsistencies. No other new matters may be presented orally by the designated representative of the ANC.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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FEB 14 2005

APPLICATION NUMBER 17302
TO WHOM IT MAY CONCERN:

Notice is hereby given that the Board of Zoning Adjustment will hold a public hearing in Suite 220 South, 441 4th Street, N.W., Washington, D.C., 20001 on Tuesday, April 12, 2005. Your attention is invited to the following application:

Application of Non-Profit Community Development Corporation of D.C. (NPCDC), pursuant to 11 DCMR § 3103.2, for a variance from the maximum height requirements under subsection 770.1, to construct a new 7 story apartment (condominium) building with ground floor commercial in the C-2-B District at premises 2750 14th Street, N.W. (Square 2667, Lot 73 (849)).

At the public hearing, all interested persons will be given an opportunity to express their views. However, you may submit written views about this case. All written views should be sent to the address below, and must be received by the Board before the hearing on the case is concluded. Individuals and organizations wishing party status in any case before the Board must request that status in writing not less than fourteen (14) days prior to the date set for the public hearing on the particular application. The request for party status must contain all the information required by 11 DCMR § 3106.2. Section 3106 is enclosed for your information.

This application is located within the boundaries of Advisory Neighborhood Commission 1B. This application will be heard between 9:30 a.m. and 12:00 p.m.

If you have any questions about this application, you may call the Office of Zoning on (202) 727-6311, or visit the office at 441 4th Street, N.W., Suite 210 South, Washington, D.C. 20001.

PLEASE REFER TO THE APPLICATION NUMBER WHEN YOU WRITE OR CALL ABOUT THIS CASE.

SINCERELY,

JERRILY R. KRESS, FAIA
Director

(SEE REVERSED SIDE)

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17302
EXHIBIT NO. 16

Form 140
(Revised 03/15/02)

Case No. 17302

PARTY STATUS APPLICATION

Notice: See other side of party status form for instructions.

NAME: *Last*	*First*	*Middle I.*

ADDRESS: *Street*	*Apt. # (if any)*	*City*	*State*	*Zip Code*

Phone No.	*Fax No.*	*E-Mail*

I, hereby request to appear and participate as a party.	*Signature*	*Date*

Will you appear as a(n) ☐ Proponent ☐ Opponent Will you appear through legal counsel ☐ Yes ☐ No

If yes, please enter the name and address of such legal counsel.

NAME: *Last*	*First*	*Middle I.*

ADDRESS: *Street*	*Ste. # (if any)*	*City*	*State*	*Zip Code*

Phone No.	*Fax No.*	*E-Mail*

Please answer all of the following questions referencing why the above person should be granted party status.
(If you require additional space, please attach an additional sheet.)

1). How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Board?

2). What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)

3). What is the distance between the person's property and the property that is the subject of the appeal or application before the Board? (Preferably no farther than 200ft.)

4). What are the environmental, economic or social impacts that are likely to affect the person and/or the person's property if the action requested of the Board is approved or denied?

5). Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Board is approved or denied.

6). Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other person's in the general public.

D.C.-44
APRIL 1980

Memorandum ● Government of the District of Columbia

TO: Advisory Neighborhood Commission 1B

Department, Agency, Office: BZA

FROM: Jerrily R. Kress, FAIA
Director

Date: FEB 0 8 2005

SUBJECT: BZA Application No. 17302

In accordance with DCMR 3112.7 and 3113.7, you are hereby advised that the above-numbered application, which falls within the boundaries of your Advisory Neighborhood Commission, was filed with the BZA on 2-7-2005. **A copy of the above-numbered application form is attached for your information and use. This is not a notice of public hearing on the application. You will receive notice of the hearing by mail and through the D.C. Register approximately forty (40) days in advance of the hearing. In accordance with 11 DCMR 3115, the written report of an ANC shall contain certain information specified in that section. A copy of Section 3115 is on the reverse side. If you have any questions, please contact the Office of Zoning at (202) 727-6311.**

APPROXIMATE HEARING DATE: MID-APR 04

Office of Advisory Neighborhood Commission
c/o Gottlieb Simon
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17302
EXHIBIT NO. 15

Government of the District of Columbia

OFFICE OF ZONING

441 4TH STREET, N W
SUITE 210
WASHINGTON, D.C. 20001
(202) 727-6311

MEMORANDUM

BZA/DCOZ

TO: Kenneth Laden
Department of Transportation

FROM: Jerrily R. Kress, FAIA
Director

DATE: FEB 0 8 2005

RE: BZA Application No. 17302

The above-cited application is being referred to you for informational purposes only; unless DDOT's review and report on this matter is otherwise requested by the Office of Planning (OP). The contact person at the OP is Jennifer Steingasser, who can be reached on (202) 442-8808. The approximate public hearing date for this matter is MID - APR 04

Please call Cliff Moy, Senior Zoning Specialist, on (202) 727-6311, if you have any questions relevant to the foregoing.

rsn

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17302
EXHIBIT NO. 14

D.C. - 44
APRIL 1980

Memorandum ● Government of the District of Columbia

TO: City Council Member For Ward ONE

Department, Agency, Office: BZA DCOZ

FROM: Jerrily R. Kress, FAIA RSK
Director

Date: FEB 0 8 2005

SUBJECT:

Notice of Filing Date: 2-7-2005 Case No. 17302

This is to inform you that the above-numbered case has been filed before the Board of Zoning Adjustment for zoning relief. The property that is the subject of this case is within your Ward. Therefore, I am attaching a copy of the case, as this will affect your Ward. For additional information, please contact the Office of Zoning at (202) 727-6311.

APPROXIMATE HEARING DATE: MID-APR 04

councilrefer/LJP

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17302
EXHIBIT NO. 13

D.C. - 44
APRIL 1980

Memorandum ● Government of the District of Columbia

TO:	Ellen McCarthy, Associate Director Office of Planning Development Review & Coordination	Department, Agency, Office:	Office of Zoning BZA
FROM:	Jerrily R. Kress, FAIA Director	Date:	FEB 0 8 2005

SUBJECT: Application No. 17302

Attached hereto is a copy of the above-numbered application with related memorandum or a Notice of Certification from the Zoning Administrator's Office. This application was filed on February 7, 2005.

APPROXIMATE HEARING DATE: MID-APR 04

opref/LJP

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17302
EXHIBIT NO. 12

D.C.-44
APRIL 1980

Memorandum ● **Government of the District of Columbia**

TO: Single Member District/ANC 1B07

Department, Agency, Office: BZA DCOZ

FROM: Jerrily R. Kress, FAIA Director

Date: FEB 0 8 2005

SUBJECT:

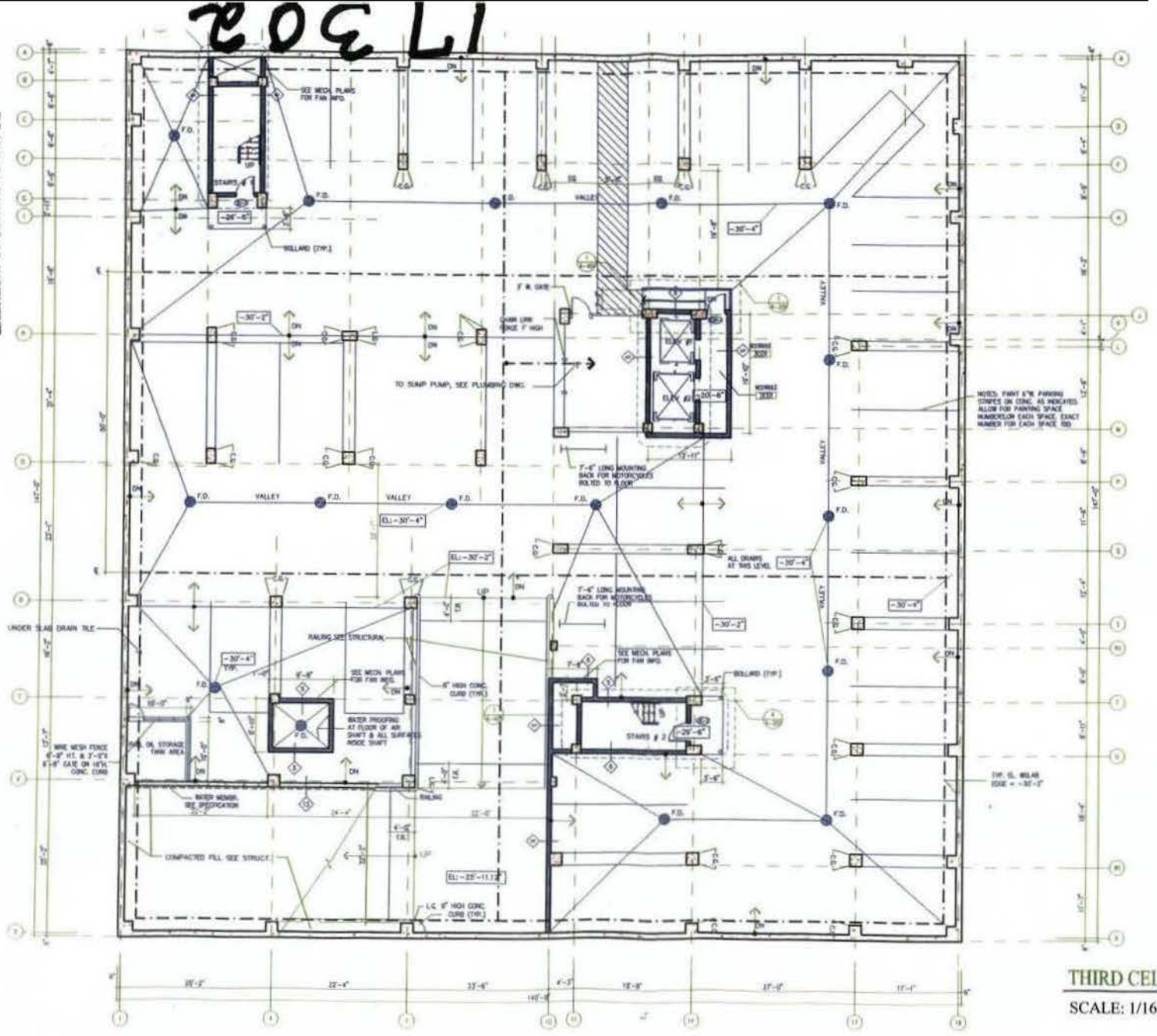
Notice of Filing Date: 2-7-2005 Appeal No. 17302

This is to inform you that the above-numbered appeal has been filed before the Board of Zoning Adjustment for zoning relief. The property that is the subject of this appeal is within your Single Member District Boundary. Therefore, I am attaching a copy of the appeal, as your Single Member District may be affected. For additional information, please contact the Office of Zoning at (202) 727-6311.

APPROXIMATE HEARING DATE: MID-APR 04

smancltr/LJP

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17302
EXHIBIT NO. 11



THIRD CELLAR PLAN

SCALE: 1/16" = 1'-0"

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17302
EXHIBIT NO. 10

RECEIVED
D.C. OFFICE OF ZONING
2005 FEB -7 PM 1:50

RECEIVED
D.C. OFFICE OF ZONING
2005 FEB -7 PM 1:50

ISSUED FOR
BOARD OF ZONING ADJUSTMENT
DISTRICT OF COLUMBIA
CASE NO. 17302
EXHIBIT NO. 10 16 Pages

ARCHITECT OF RECORD: MORRIS ARCHITECTS

DEVELOPER: NON-PROFIT COMMUNITY DEVELOPMENT CORPORATION OF WASHINGTON, DC
1330 NEW HAMPSHIRE AVENUE, NW
SUITE 111
WASHINGTON, DC

PROJECT NAME: THE HEIGHTS OF COLUMBIA
2755 14TH STREET, N.W.
WASHINGTON, DC

DATE: FEB + 2005
JOB NUMBER: 0510
SCALE:
DRAWING TITLE: 3C
SHEET NUMBER: A-1



RECEIVED
D.C. OFFICE OF ZONING
2005 FEB -7 PM 2:00

SECOND CELLAR PLAN
SCALE: 1/16" = 1'-0"

ISSUED

ARCHITECT OF RECORD
MORRIS ARCHITECTS

DEVELOPER
NON-PROFIT COMMUNITY DEVELOPMENT CORPORATION OF WASHINGTON, DC
1330 NEW HAMPSHIRE AVENUE, NW, SUITE 111, WASHINGTON, DC

PROJECT NAME
THE HEIGHTS OF COLUMBIA
2760 14TH STREET, N.W. WASHINGTON, DC

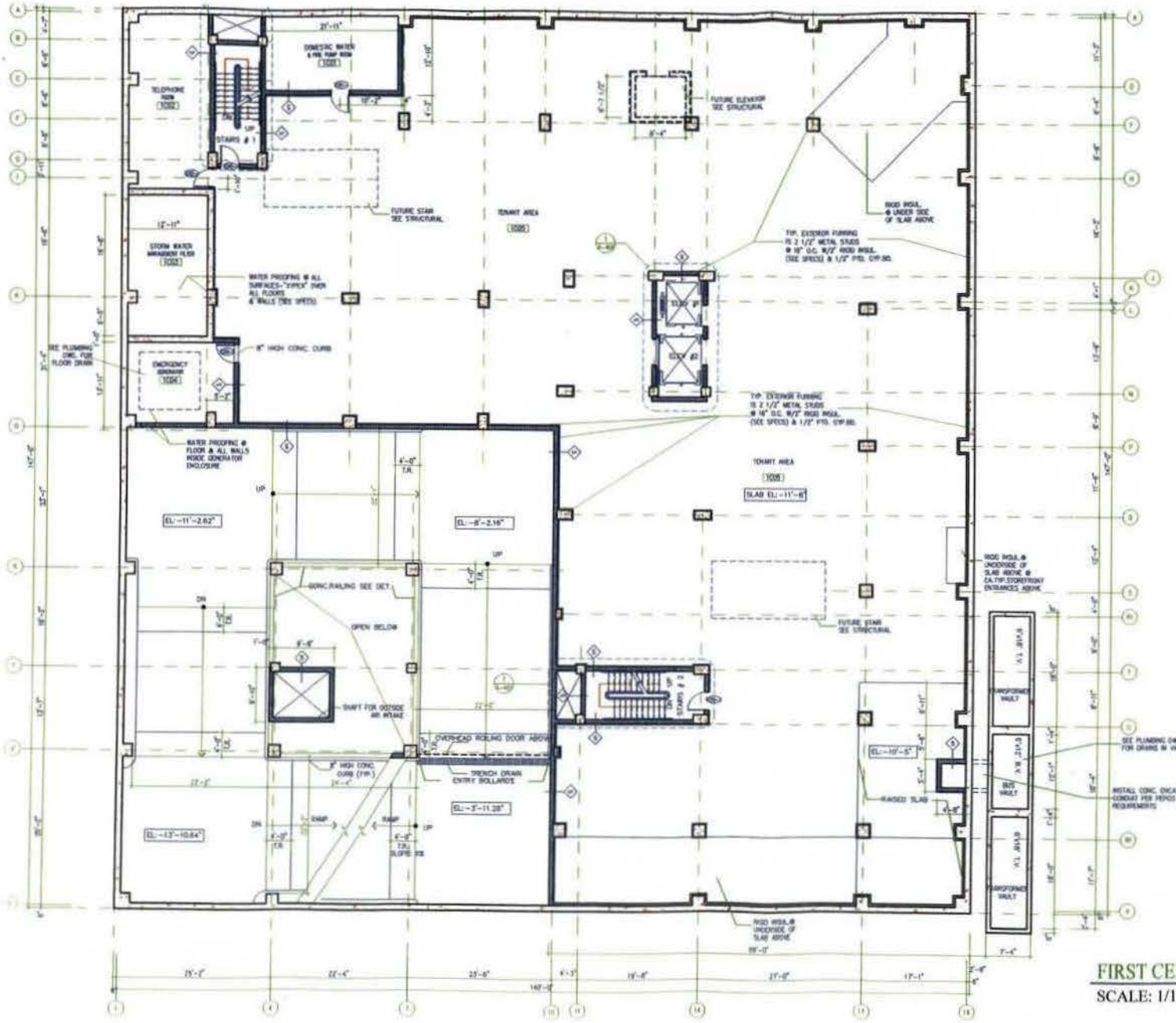
DATE
FEB 4 2005

JOB NUMBER
0510

SCALE

DRAWING TITLE
2C

SHEET NUMBER
A-2



RECEIVED
D.C. OFFICE OF ZONING
2005 FEB -7 PM 2:00

FIRST CELLAR PLAN

SCALE: 1/16" = 1'-0"

ISSUED

ARCHITECT OF RECORD: MORRIS ARCHITECTS

DEVELOPER: NON-PROFIT COMMUNITY DEVELOPMENT CORPORATION OF WASHINGTON, DC
1330 NEW HAMPSHIRE AVENUE, NW, SUITE 111, WASHINGTON, DC

PROJECT NAME: THE HEIGHTS OF COLUMBIA
2750 14th STREET, N.W. WASHINGTON, DC

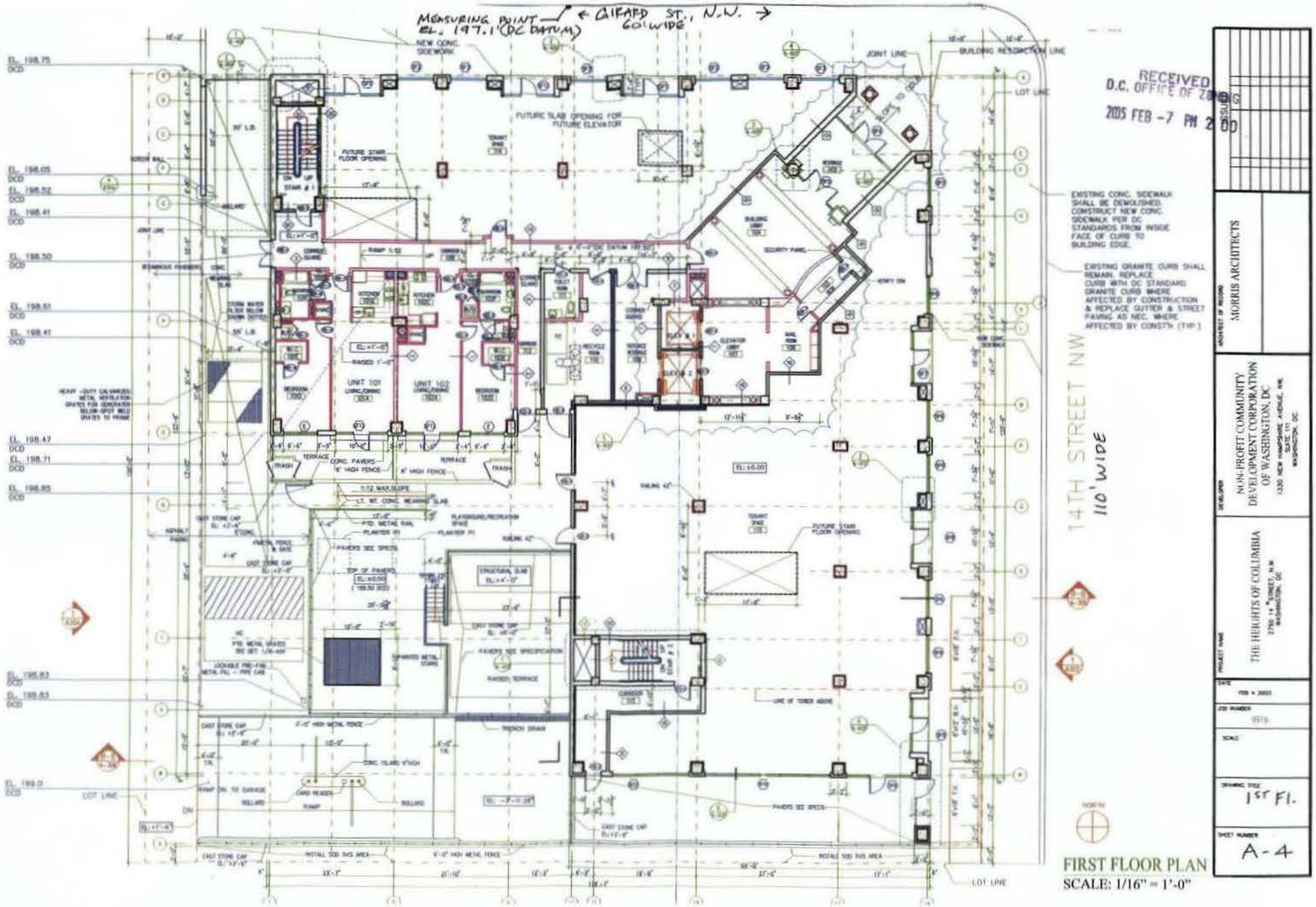
DATE: FEB 4 2005

JOB NUMBER: 0510

SCALE:

DRAWING TITLE: 1C

SHEET NUMBER: A-3



RECEIVED
D.C. OFFICE OF ZONING
2005 FEB -7 PM 2:00

ISSUED

ARCHITECT OF RECORD
MORRIS ARCHITECTS

DEVELOPER
NON-PROFIT COMMUNITY DEVELOPMENT CORPORATION OF WASHINGTON, DC
1325 NEW HAMPSHIRE AVENUE, NW, SUITE 111, WASHINGTON, DC

PROJECT NAME
THE HEIGHTS OF COLUMBIA
2750 14th STREET, N.W. WASHINGTON, DC

DATE
FEB • 2005

JOB NUMBER
0316

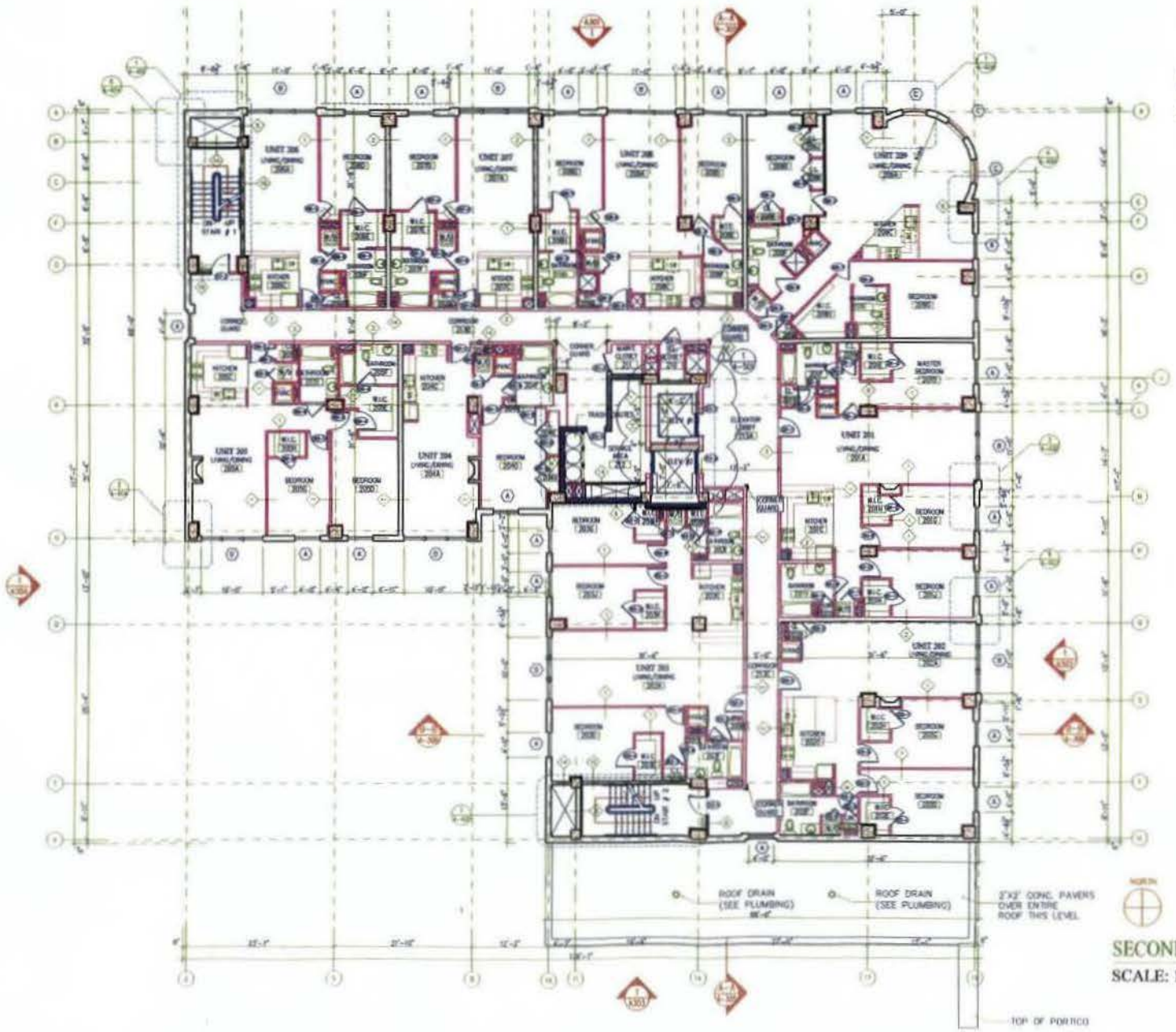
SCALE

DRAWING TITLE
1ST FL.

SHEET NUMBER
A-4

FIRST FLOOR PLAN

SCALE: 1/16" = 1'-0"



SECOND FLOOR PLAN

SCALE: 1/16" = 1'-0"

RECEIVED
D.C. OFFICE OF ZONING
2005 FEB -7 PM 2:00

ISSUED

ARCHITECT OF RECORD: MORRIS ARCHITECTS

DEVELOPER: NON-PROFIT COMMUNITY DEVELOPMENT CORPORATION OF WASHINGTON, DC
1330 NEW HAMPSHIRE AVENUE, NW
SUITE 113
WASHINGTON, DC

PROJECT NAME: THE HEIGHTS OF COLUMBIA
2700 14TH STREET, N.W.
WASHINGTON, DC

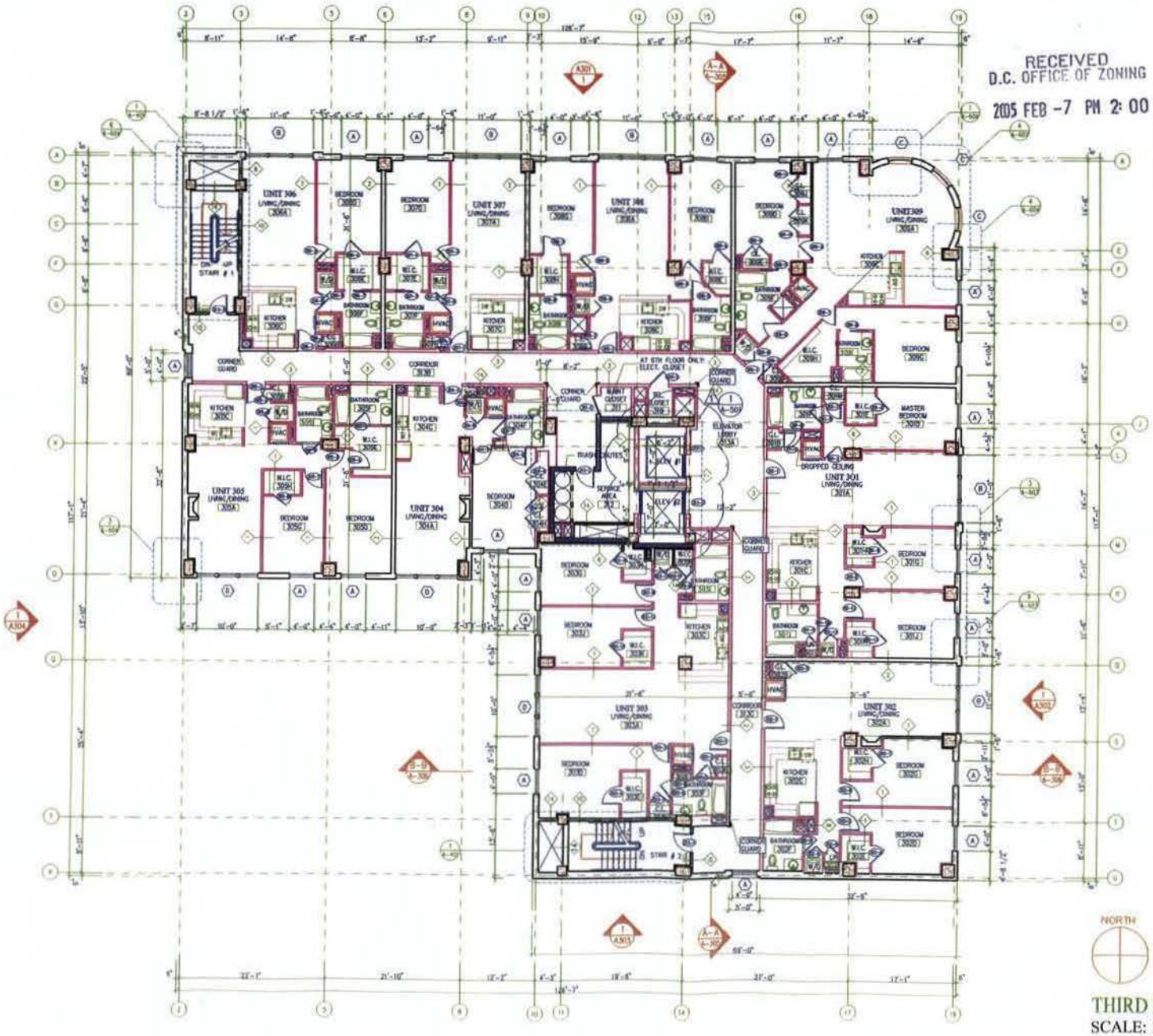
DATE: FEB 4 2005

JOB NUMBER: 0410

SCALE:

DRAWING TITLE: 2ND FL.

SHEET NUMBER: A-5



RECEIVED
D.C. OFFICE OF ZONING
2005 FEB -7 PM 2:00

KEYED NOTES:

AT FLOORS 2 THROUGH 5, THIS ROOM IS " MAINTENANCE CLOSET"
AT 6TH FLOOR IT IS " ELEC. CLOSET"

GENERAL NOTES:

1. INSTALL ONE CO DETECTOR IN EACH DWELLING UNIT
2. SEE 2/A-509 FOR SIXTH FLOOR CORE PLAN
3. ALL TEL. &ELEC. CLOSETS SHALL HAVE 3/4" TH. PLYWOOD PANEL MOUNTED ON WALL SIDE PER EQUIP REQUIREMENT. PLYWOOD SHALL BE FIRE RETARDANT. LAG INTO STUDS. BLOCKING AS REQ.

NORTH

THIRD FLOOR PLAN
SCALE: 1/16" = 1'-0"

ISSUED

ARCHITECT OF RECORD
MORRIS ARCHITECTS

DEVELOPER
NON-PROFIT COMMUNITY DEVELOPMENT CORPORATION OF WASHINGTON, DC
1330 NEW HAMPSHIRE AVENUE, N.W.
SUITE 117
WASHINGTON, DC

PROJECT NAME
THE HEIGHTS OF COLUMBIA
2750 14th STREET, N.W.
WASHINGTON, DC

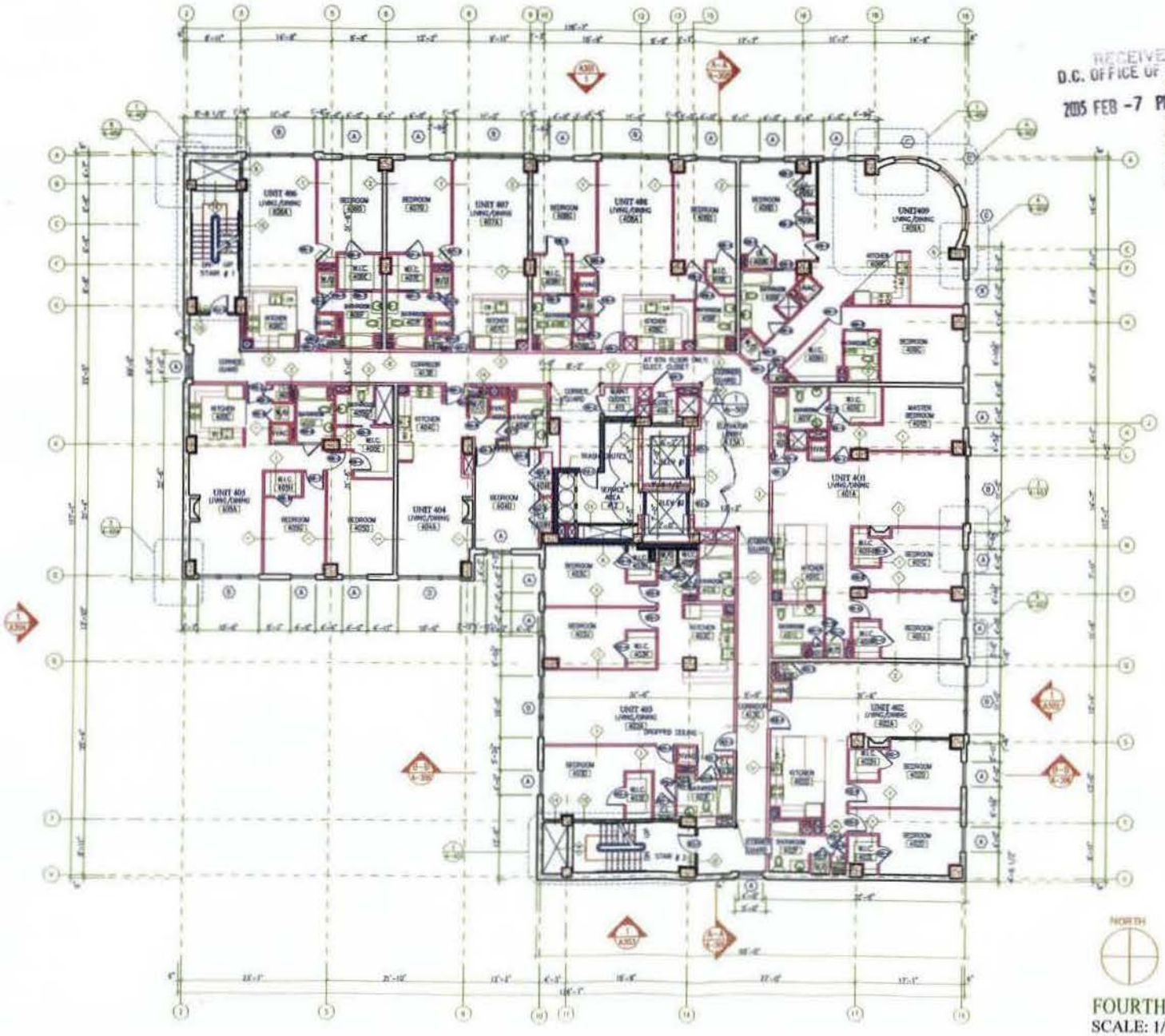
DATE
FEB 4 2005

JOB NUMBER
0316

SCALE

DRAWING TITLE
3RD FL.

SHEET NUMBER
A-6



RECEIVED
D.C. OFFICE OF ZONING
2005 FEB -7 PM 2:00

KEYED NOTES:

GENERAL NOTES:

1. INSTALL ONE 120 DETECTOR IN EACH DWELLING UNIT
2. SEE 2/A-500 FOR SIXTH FLOOR CORE PLAN
3. ALL TEL. RECESS CLOSETS SHALL HAVE 1/4" 3H PLYWOOD PANEL MOUNTED ON WALL. SEE PER EQUIP REQUIREMENT. PLYWOOD SHALL BE FIRE RETARDANT. LINE INTO STUDS BLOCKING AS REQ.

NORTH

FOURTH FLOOR PLAN
SCALE: 1/16" = 1'-0"

ISSUED

ARCHITECT OF RECORD
MORRIS ARCHITECTS

DEVELOPER
NON-PROFIT COMMUNITY DEVELOPMENT CORPORATION OF WASHINGTON, DC
1350 NEW HAMPSHIRE AVENUE, NW, SUITE 115, WASHINGTON, DC

PROJECT NAME
THE HEIGHTS OF COLUMBIA
2750 14TH STREET, N.W. WASHINGTON, DC

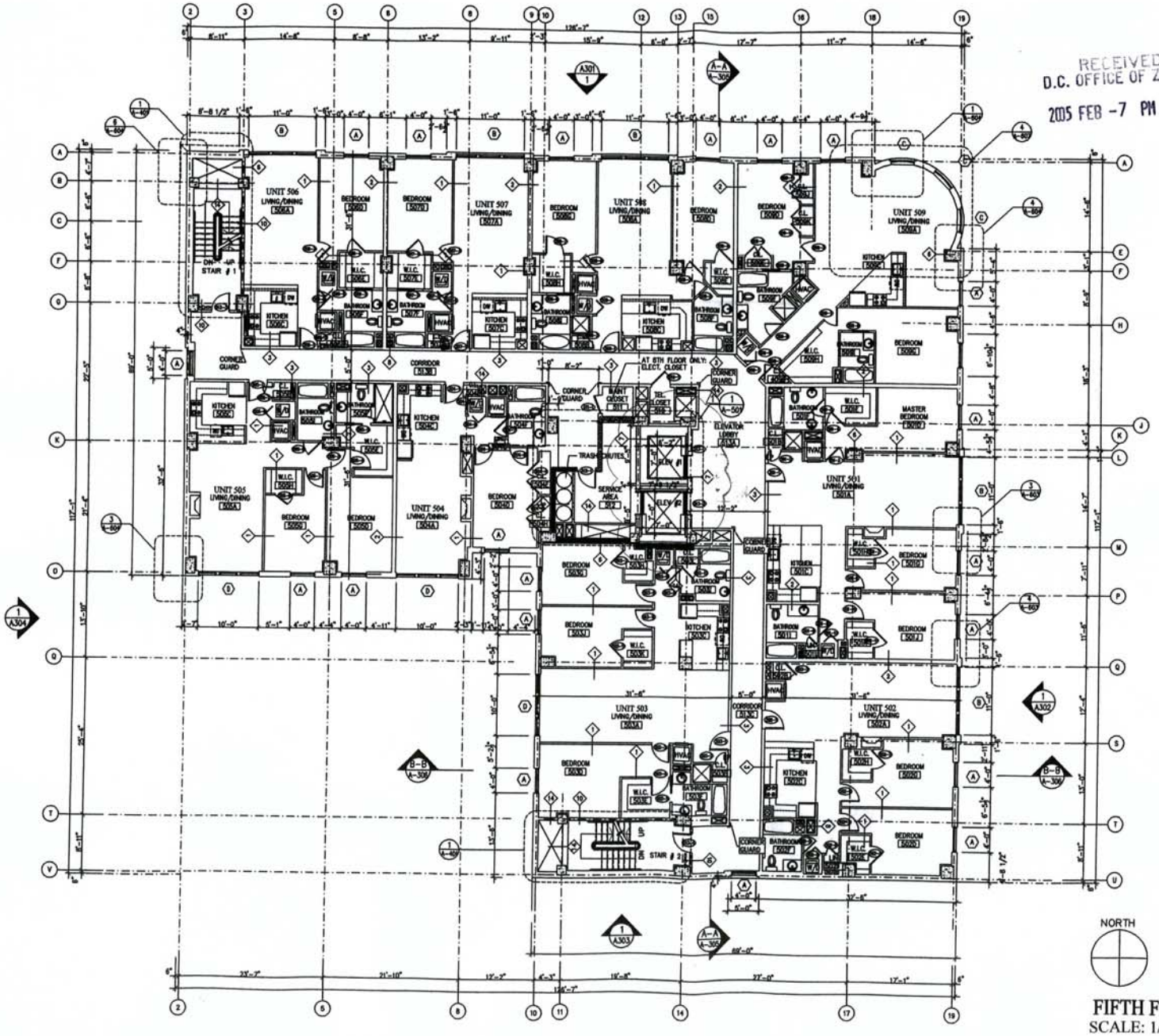
DATE
FEB • 2005

JOB NUMBER
0316

SCALE

DRAWING TITLE
4TH FL.

SHEET NUMBER
A-7



RECEIVED
D.C. OFFICE OF ZONING
2005 FEB -7 PM 2:00

KEYED NOTES:

5 AT FLOORS 1 THROUGH 5 THIS ROOM IS " MAINTENANCE CLOSET" AT 5TH FLOOR IT IS " ELEC. CLOSET".

GENERAL NOTES:

1. INSTALL ONE CO DETECTOR IN EACH DWELLING UNIT
2. SEE 2/A-501 FOR SIXTH FLOOR CORE PLAN
3. ALL TEL. &ELEC. CLOSETS SHALL HAVE 3/4" TH. PLYWOOD PANEL MOUNTED ON WALL. SIZE PER EQUIP REQUIREMENT. PLYWOOD SHALL BE FIRE RETARDANT. LAG INTO STUDS. BLOCKING AS NEC.

FIFTH FLOOR PLAN
SCALE: 1/16" = 1'-0"

ISSUED

ARCHITECT OF RECORD
MORRIS ARCHITECTS

DEVELOPER
NON-PROFIT COMMUNITY DEVELOPMENT CORPORATION OF WASHINGTON, DC
1330 NEW HAMPSHIRE AVENUE, NW, SUITE 11
WASHINGTON, DC

PROJECT NAME
THE HEIGHTS OF COLUMBIA
2750 14TH STREET, N.W.
WASHINGTON, DC

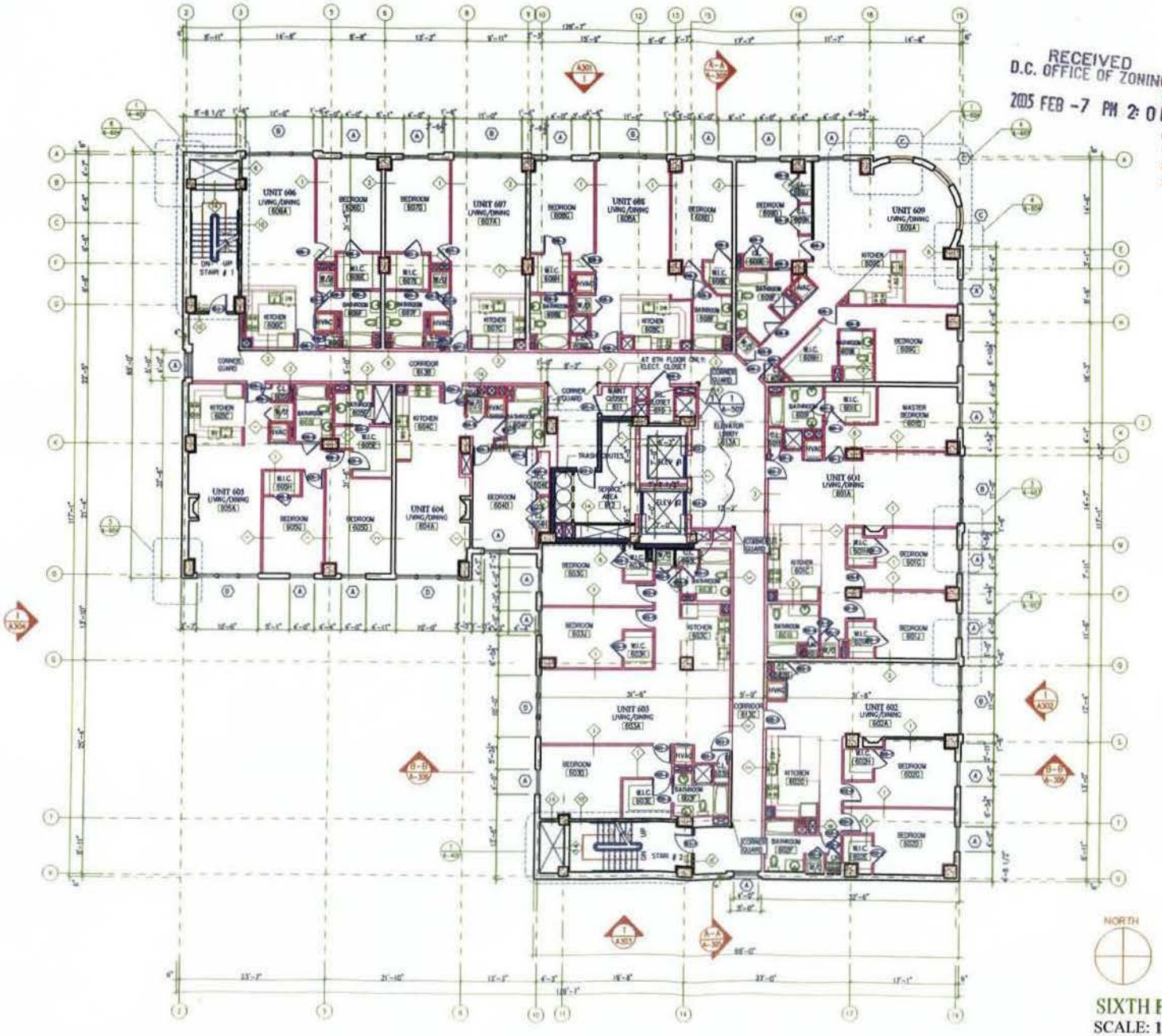
DATE
FEB 4 2003

JOB NUMBER
0316

SCALE

DRAWING TITLE
5TH FL.

SHEET NUMBER
A-8



RECEIVED
D.C. OFFICE OF ZONING
2005 FEB -7 PM 2:01

KEYED NOTES:

AT FLOORS 2 THROUGH 5 THIS ROOM IS " MAINTENANCE CLOSET"
AT 6TH FLOOR IT IS " ELEC. CLOSET"

GENERAL NOTES:

1. INSTALL ONE CO DETECTOR IN EACH DWELLING UNIT
2. SEE 2/A-501 FOR SIXTH FLOOR CORE PLAN
3. ALL TEL. &ELEC. CLOSETS SHALL HAVE 3/4" IN. PLYWOOD PANEL MOUNTED ON WALL. SIZE PER EQUIP REQUIREMENT. PLYWOOD SHALL BE FIRE RETARDANT LAG INTO STUDS. BLOCKING AS REQ.

SIXTH FLOOR PLAN
SCALE: 1/16" = 1'-0"

ISSUED

ARCHITECT OF RECORD
MORRIS ARCHITECTS

DEVELOPER
NON-PROFIT COMMUNITY DEVELOPMENT CORPORATION OF WASHINGTON, DC
1330 NEW HAMPSHIRE AVENUE, N.W.
SUITE 211
WASHINGTON, DC

PROJECT NAME
THE HEIGHTS OF COLUMBIA
2750 14 TH STREET, N.W.
WASHINGTON, DC

DATE
FEB 4 2005

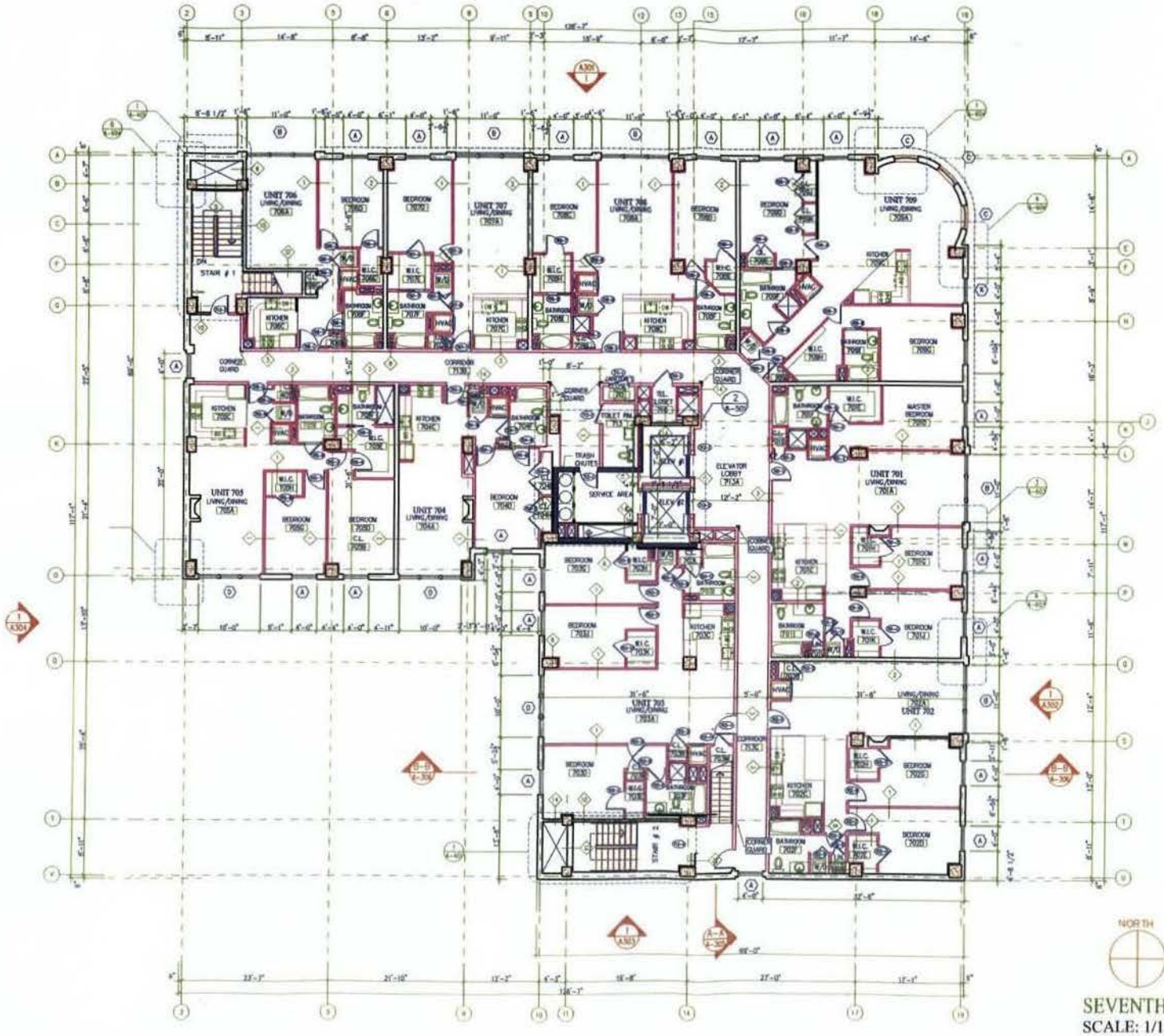
JOB NUMBER
0316

SCALE

DRAWING TITLE
6TH FL.

SHEET NUMBER
A-9

RECEIVED
D.C. OFFICE OF ZONING
2005 FEB -7 PM 2:01

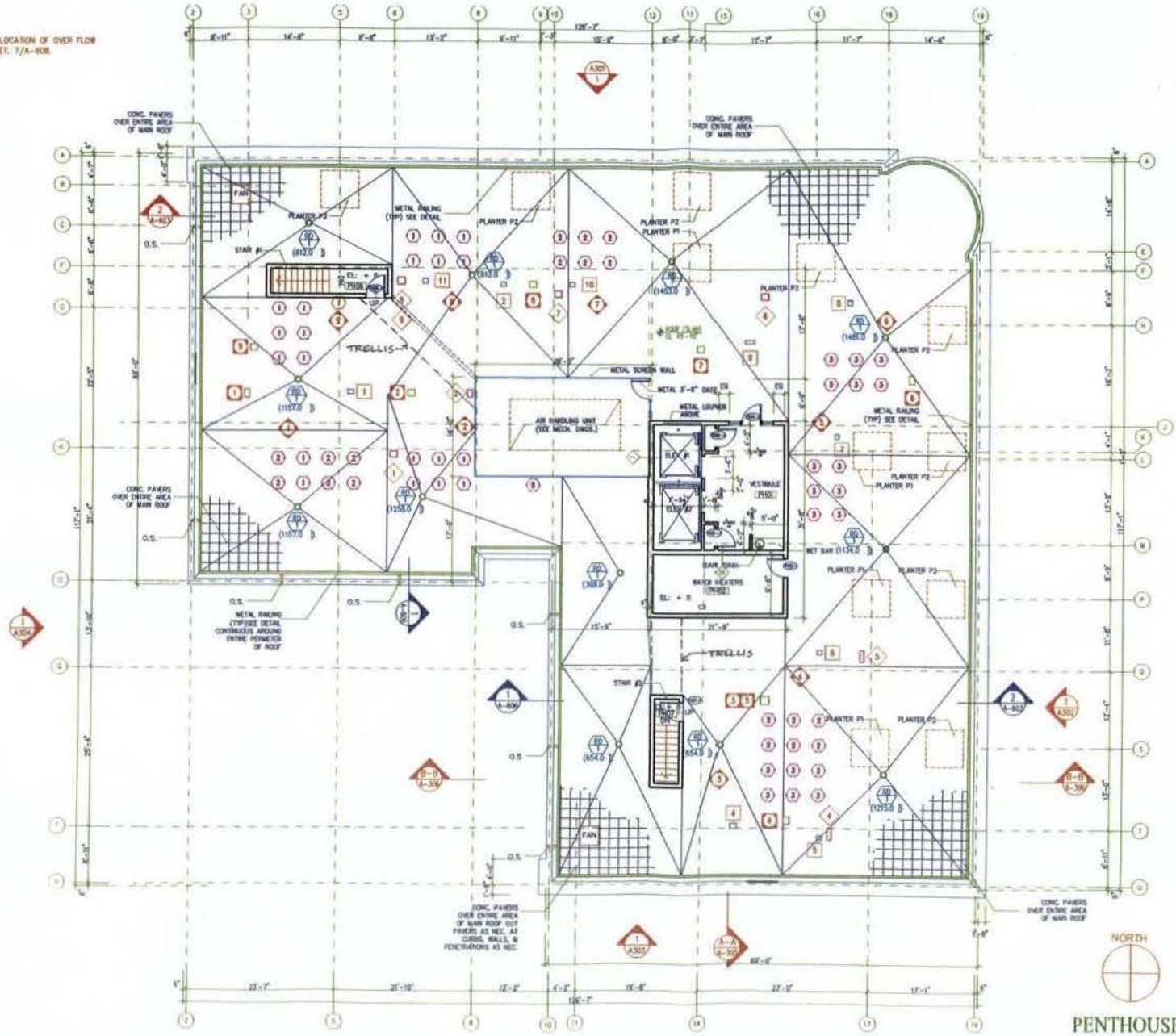


SEVENTH FLOOR PLAN
SCALE: 1/16" = 1'-0"

ISSUED	
ARCHITECT OF RECORD	MORRIS ARCHITECTS
DEVELOPER	NON-PROFIT COMMUNITY DEVELOPMENT CORPORATION OF WASHINGTON, DC 1330 NEW HAMPSHIRE AVENUE, NW, SUITE 111, WASHINGTON, DC
PROJECT NAME	THE HEIGHTS OF COLUMBIA 2750 14 TH STREET, N.W. WASHINGTON, DC
DATE	FEB 4 2005
JOB NUMBER	0316
SCALE	
DRAWING TITLE	7TH FL.
SHEET NUMBER	A-10

NOTES:

1. O.S. INDICATES LOCATION OF OVER FLOW SCUPPER SEE DET. 7/A-606.



RECEIVED
D.C. OFFICE OF ZONING
2005 FEB -7 PM 2:01

ISSUED

ARCHITECT OF RECORD: MORRIS ARCHITECTS

DEVELOPER: NON-PROFIT COMMUNITY DEVELOPMENT CORPORATION OF WASHINGTON, DC
1330 NEW HAMPSHIRE AVENUE, N.W.
SUITE 111
WASHINGTON, DC

PROJECT NAME: THE HEIGHTS OF COLUMBIA
2750 14th STREET, N.W.
WASHINGTON, DC

DATE: FEB 4 2005

JOB NUMBER: 0416

SCALE:

DRAWING TITLE: ROOF

SHEET NUMBER: A-11

PENTHOUSE AND MAIN ROOF PLAN
SCALE: 1/16" = 1'-0"

RECEIVED
D.C. OFFICE OF ZONING
2005 FEB -7 PM 2:01



EAST ELEVATION
SCALE: 1/16" = 1'-0"

ISSUED

ARCHITECT OF RECORD
MORRIS ARCHITECTS

DEVELOPER
NON-PROFIT COMMUNITY DEVELOPMENT CORPORATION OF WASHINGTON, DC
1330 NEW HAMPSHIRE AVENUE, NW
SUITE 211
WASHINGTON, DC

PROJECT NAME
THE HEIGHTS OF COLUMBIA
2750 14th STREET, N.W.
WASHINGTON, DC

DATE
FEB 4 2005

JOB NUMBER
0514

SCALE

DRAWING TITLE
EAST ELEV.

SHEET NUMBER
A-12

RECEIVED
D.C. OFFICE OF ZONING
2005 FEB -7 PM 2:01



NORTH ELEVATION
SCALE: 1/16" = 1'-0"

ISSUED

ARCHITECT OF RECORD
MORRIS ARCHITECTS

DEVELOPER
NON-PROFIT COMMUNITY DEVELOPMENT CORPORATION OF WASHINGTON, DC
1330 NEW HAMPSHIRE AVENUE, NW, SUITE 315
WASHINGTON, DC

PROJECT NAME
THE HEIGHTS OF COLUMBIA
2750 14TH STREET, N.W.
WASHINGTON, DC

DATE
FEB 4 2005

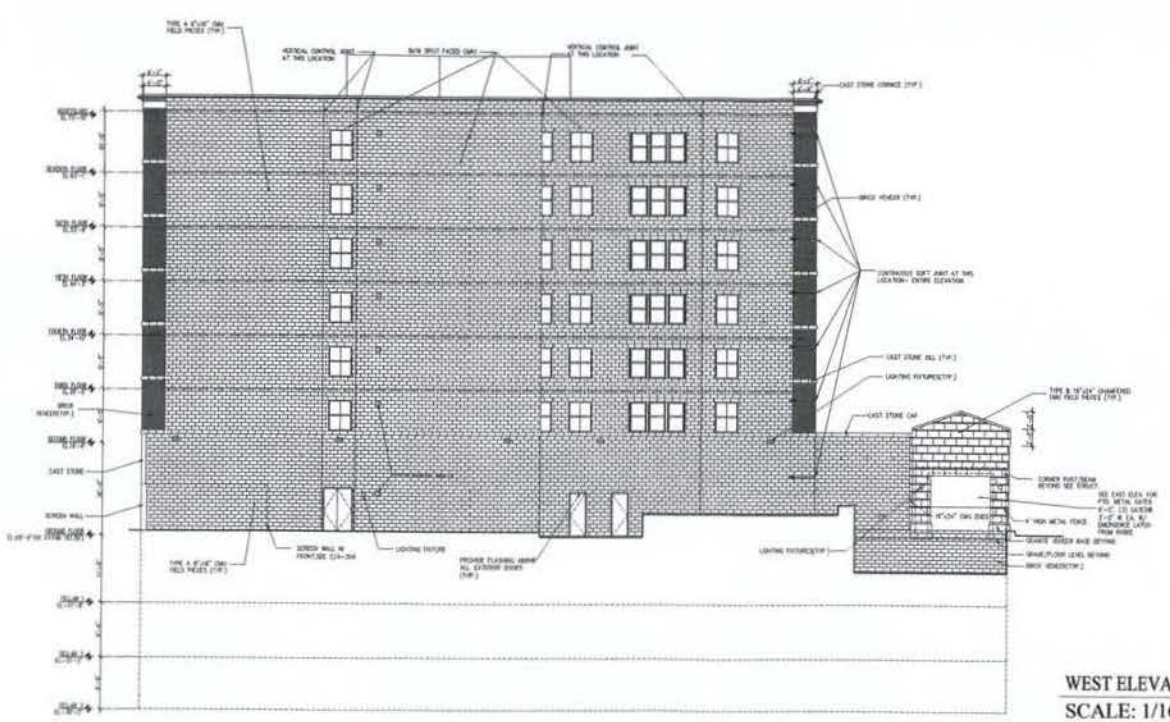
JOB NUMBER
0316

SCALE

DRAWING TITLE
NORTH ELEV.

SHEET NUMBER
A-13

RECEIVED
D.C. OFFICE OF ZONING
2005 FEB -7 PM 2:



WEST ELEVATION
SCALE: 1/16" = 1'-0"

ISSUED

ARCHITECT OF RECORD
MORRIS ARCHITECTS

DEVELOPER
NON-PROFIT COMMUNITY DEVELOPMENT CORPORATION OF WASHINGTON, DC
1330 NEW HAMPSHIRE AVENUE, NW, SUITE 131
WASHINGTON, DC

PROJECT NAME
THE HEIGHTS OF COLUMBIA
2750 14th STREET, N.W.
WASHINGTON, DC

DATE
FEB 4 2005

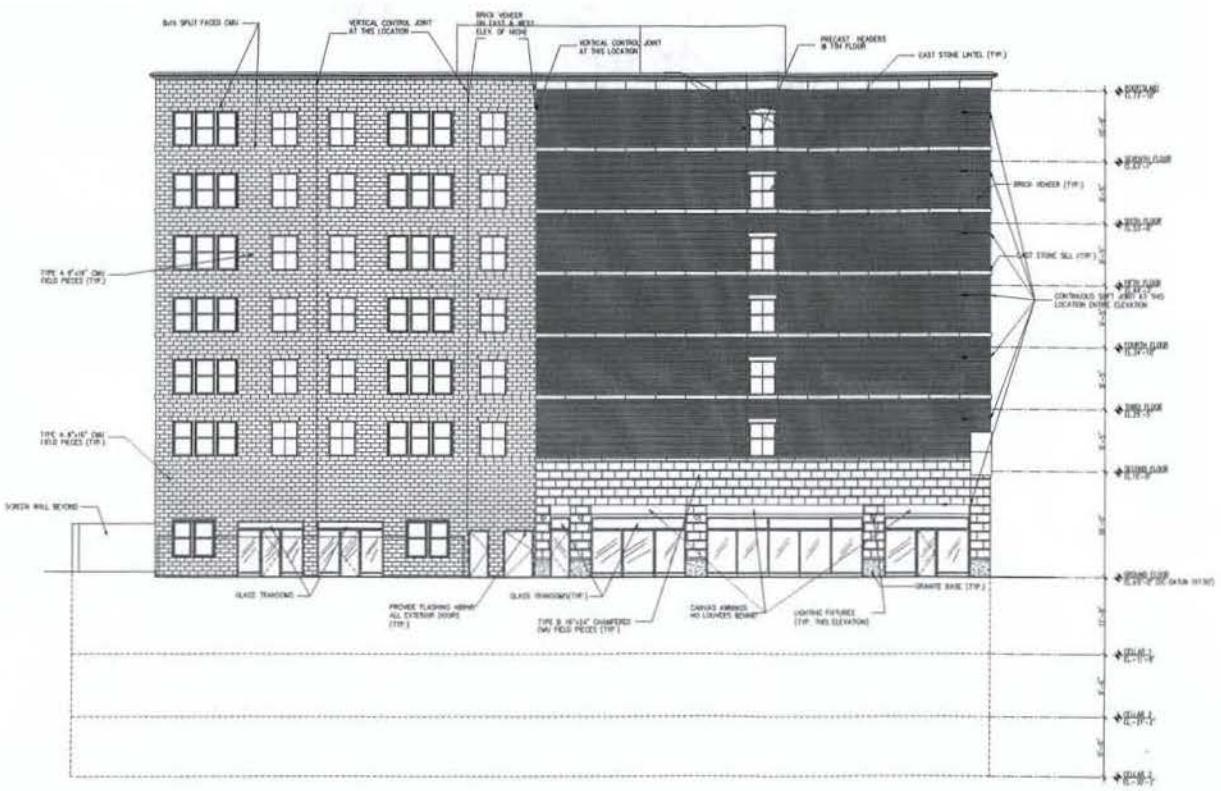
JOB NUMBER
0216

SCALE

DRAWING TITLE
WEST ELEV.

SHEET NUMBER
A-14

RECEIVED
D.C. OFFICE OF ZONING
2005 FEB -7 PM 2:01



SOUTH ELEVATION
SCALE: 1/16" = 1'-0"

ISSUED

ARCHITECT OF RECORD
MORRIS ARCHITECTS

DEVELOPER
NON-PROFIT COMMUNITY DEVELOPMENT CORPORATION OF WASHINGTON, DC
1330 NEW HAMPSHIRE AVENUE, NW.
SUITE 111
WASHINGTON, DC

PROJECT NAME
THE HEIGHTS OF COLUMBIA
2750 14th STREET, N.W.
WASHINGTON, DC

DATE
FEB 4 2005

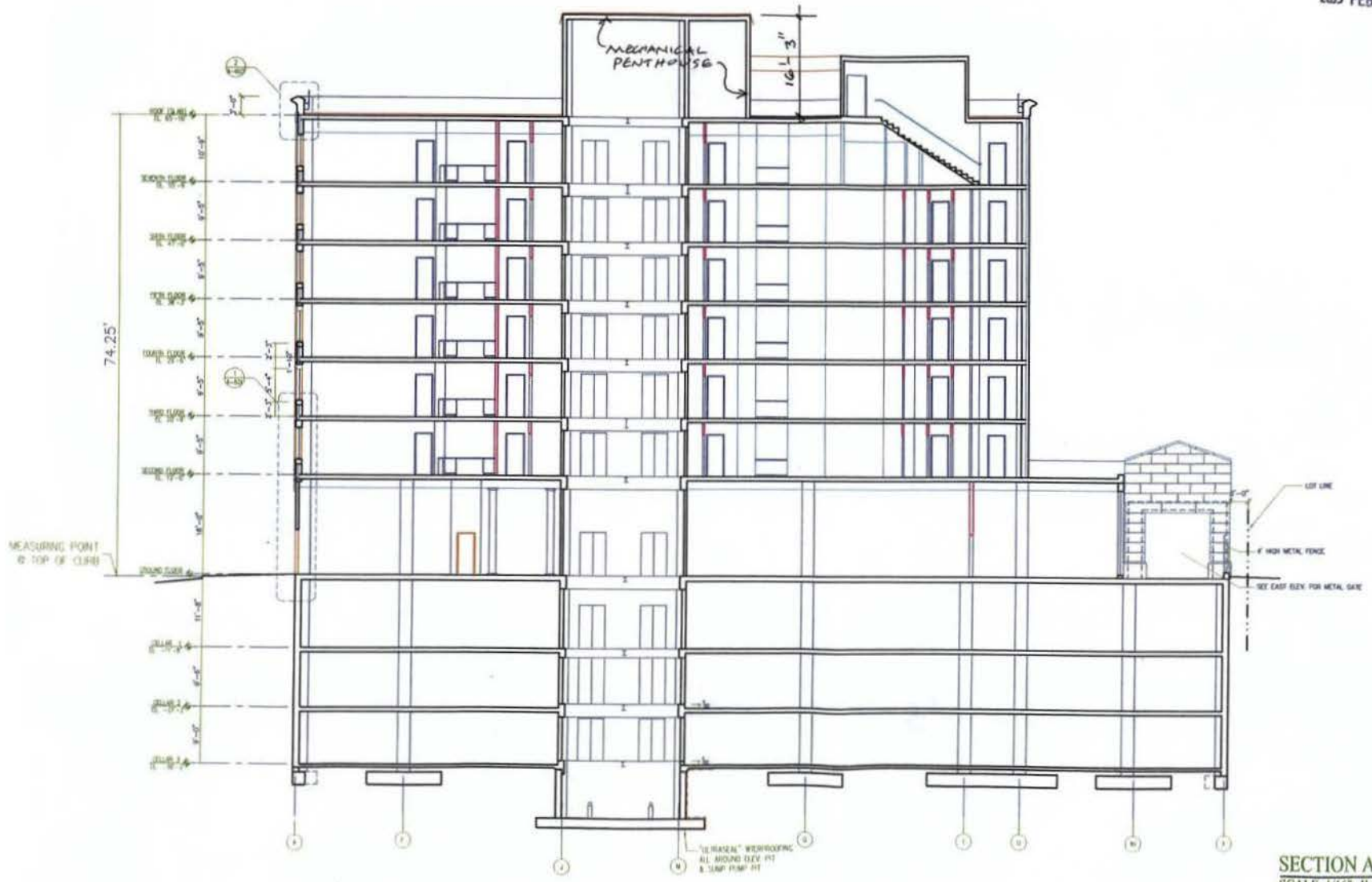
JOB NUMBER
0316

SCALE

DRAWING TITLE
SOUTH ELEV.

SHEET NUMBER
A-15

RECEIVED
D.C. OFFICE OF ZONING
2005 FEB -7 PM 2:01



SECTION A-A
SCALE: 1/16"=1'-0"

ISSUED

ARCHITECT OF RECORD
MORRIS ARCHITECTS

DEVELOPER
NON-PROFIT COMMUNITY DEVELOPMENT CORPORATION OF WASHINGTON, DC
1330 NEW HAMPSHIRE AVENUE, NW, SUITE 117
WASHINGTON, DC

PROJECT NAME
THE HEIGHTS OF COLUMBIA
2790 14th STREET, N.W.
WASHINGTON, DC

DATE
FEB 4 2005

JOB NUMBER
0316

SCALE

DRAWING TITLE
SECTION A-A

SHEET NUMBER
A-16

5414

Non Profit Community Development Corp.
1330 New Hampshire Avenue, Suite 111 NW
Washington, DC 20036
202) 86?-?8??

CHEVY CHASE BANK
CHEVY CHASE, MD 20815
65-7198-2550

DATE: February 4, 2005

AMOUNT: $800.00

PAY: Eight hundred dollars and no cents

TO THE ORDER OF: D.C. Treasurer

Re: 2750 14th Street, N.W., Washington, D.C.

BZA #17302

Security Features Included. Details on back.

D.C. OFFICE OF ZONING

BOARD OF ZONING ADJUSTMENT
WASHINGTON, D.C. 20001

RECEIPT

CHECK NO. 5414

BZA CASE No. 17302 (DATE) Feb. 9, 2005

Name NON-Profit Comm + Dev. Corp. of DC Amount $ 800.00

Address 1330 NEW HAMPSHIRE AVE, N.W. STE 111, WDC 20036

DESCRIPTION

Application of Non-Profit Community Development Corporation of DC for a variance from Section 770.1, the Maximum allowed height for a structure located at 2750-14th St., N.W., Square 2567, Lot 73, C-2-A District

BZA-0100/9-98 98-0857

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17302

EXHIBIT NO. 1

Government of the District of Columbia
BOARD OF ZONING ADJUSTMENT

RECEIVED
D.C. OFFICE OF ZONING
2005 FEB -7 PM

Consideration of your Application No. 17302, filed on 2-7-05, will be governed by the Board of Zoning Adjustment Rules of Practice and Procedure, effective on October 1, 1999. Under these Rules, your application will be set for public hearing on the first available date. The Board holds at least **TWO HEARINGS** per month, but typically **FOUR HEARINGS**. Cases are set for hearing on a first come, first serve basis. You will be notified of the date of the hearing approximately 40 days in advance.

When you receive the notice of public hearing, it will then be your responsibility as the applicant to post a notice of the public hearing on the property. You must pick up a posting sign from the Office of Zoning, and place it on each street frontage of the property a **MINIMUM of FIFTEEN (15) DAYS** prior to the date set for public hearing. You must check the sign at least once every five (5) days to be sure that it is in place, and must repost as necessary.

At the time of the initial posting, you must take a photograph of the sign. That photograph must be filed with the Office of Zoning a **MINIMUM of FIVE (5) DAYS** before the date set for public hearing, as an attachment to the affidavit of posting, which the Board will supply.

Please be further advised that it is also the responsibility of the applicant to carry the burden of proof for an application. That means that you should review the Zoning Regulations which apply to your application, as set forth in the notice of public hearing and should be prepared to tell the Board how your application meets the requirements of the Regulations against which it must be judged. (For variances refer to 11 DCMR 3103.2 and for special exceptions 3104.1)

The site of your application is within the jurisdiction of **Advisory Neighborhood Commission** (ANC) 1B. If that ANC submits written comments on your application, the Board will give those comments "great weight" in its decision. The Board encourages you to contact the ANC to discuss your application at the earliest practical time. The telephone number of ANC 1B is 202-986-5253.

You are also advised that if you intend to submit any additional materials in support of the application, any documentary evidence must be filed with the Office of Zoning at least **FOURTEEN (14) DAYS prior to the date of the hearing.** Documentary evidence includes statements, information, briefs, letters, reports, reports of experts and other witnesses, plans and other material.

Should you have any questions during the period your application is pending before the Board, please call the staff at **(202) 727-6311.**

JERRILY R. KRESS, FAIA
Director

ACKNOWLEDGEMENT

sab/12 00
Form OZ-01

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17302
EXHIBIT NO. 8

441 4th Street, N W , Suite 210-S, Washington, D C 20001
(202) 727-6311 • (202) 727-6072 fax
E-Mail. zoning info@dcoz.dcgov.org • Web Site· http://www.dcoz.dcgov.org/

THE NON-PROFIT COMMUNITY DEVELOPMENT CORPORATION of WASHINGTON, D.C., INC.

npcdc

February 3, 2005

Ms. Jerrily R. Kress, FAIA – Director
441 4th Street, N.W., Suite 210 South
Washington, D.C. 20001

RECEIVED
D.C. OFFICE OF ZONING
2005 FEB -7 PM 1:48

Re: **2750 14th Street, N.W.**
Lot 73 Square 2667

Agent Authorization
BZA Case Number (# pending)

Dear Ms. Kress;

This letter is written to give agent authorization to Paula C. Morris, on behalf of ,

THE NON PROFIT COMMUNITY DEVELOPMENT CORPORATION OF WASHINGTON, D.C.

Should you need any additional information feel freee to contact me at 202-861-5839 or by fax at 202-861-1240.

Yours truly,

Walter Johnston

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17302
EXHIBIT NO. 7

1330 New Hampshire Avenue NW • Suite 111 • Washington, DC 20036
E-mail npcdcofdc@aol.com
Tel. 202-861-5839 • Fax: 202-861-1240
A 501(C)(3) organization

npcdc

1330 New Hampshire Avenue, NW
Suite 111
Washington, DC 20036
(202) 861-5839 Phone (202) 861 1240 Fax

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2005 FEB -7 PM 1:48

February 4, 2005

District of Columbia Office of Zoning
The Board of Zoning Adjustment
Office of the Director
Ms. Jerrily R. Kress, FAIA – Director
441 4th Street, N.W., Suite 210-South
Washington, DC 20001

Dear Ms. Kress:

The purpose of this letter is to request a height variance for a property being developed by The Non Profit Community Development Corporation of Washington, DC, Inc., a District of Columbia not-for-profit corporation that is tax-exempt under Section 501(c)(3) of the Internal Revenue Code ("NPCDC"). The request for a height variance is for the property located at: 2750 14TH Street N.W., Lot 73, Square 2667, Zoning District C 2-B.

This request is being made pursuant to subsection 3103.2 of Title DCMR 11, Zoning.

The increase NPCDC is asking for will be an overall height change from a 65 foot height limit now imposed to a proposed 74.25 foot height. Additional height would be dedicated to the retail spaces all located on the first floor and the balance of the extra height would be spread out over the remaining above grade six residential floors.

HISTORY OF THE PROPERTY

NPCDC purchased the property from the District of Columbia's National Capital Revitalization Corporation ("NCRC"). The NCRC offered this property, along with several other sites along the 14th St NW corridor, to prospective developers as part of a

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17302
EXHIBIT NO. 6

master plan for the revitalization of the 14th Street corridor and Columbia Heights. The requirements of this proposal were for both residential and commercial development. As a part of its purchase, NPCDC agreed to develop the property in accordance with the NCRC's overall development plan.

The development of the site is controlled substantially by a Land Disposition and Development Agreement (the "LDA"), a copy of which is attached. The LDA is recorded in the land records and encumbers NPCDC's title to the property. Under the terms of the LDA, the NCRC requires NPCDC to develop the property for 56 residential condominiums, 20,000 square feet of retail commercial space, and 77 underground parking spaces. Of the 56 residential condominiums, 28 units (half of all of the residential unit) have been designated as Affordable Dwelling Units ("ADUs") restricted for sale to persons earning 30%, 60%, and 80% of the Area Median Income as defined by the United States Department of Housing and Urban Development ("HUD") as well as the District of Columbia's Department of Housing and Community Development ("DHCD"). The remaining 28 condominium units have been designated as Market Rate Units. The overall development goal is to provide a mixed-income development in a mixed-use development, better integrating people of different income levels in the area in which they live and work. In the commercial space, NPCDC has agreed to make its best efforts to lease space to a childcare center. Overall, the NPCDC is trying to develop a unified living and working streetscape on 14th Street in keeping with the District of Columbia's desire to provide the residents of the area with a viable working and livable retail environment. Additionally, under the LDA, the NPCDC's profit is restricted, so there is no additional financial gain to the NPCDC in connection with making this request. This is consistent with the NPCDC's mission as a non-profit development entity.

RETAIL CHALLENGES

The existing height limitation for the current zoning of the building proposes some logistical challenges. In order to fit all of the required residential, commercial, and parking spaces within the currently permitted building height, the height of the ceilings in the ground floor retail space is about 8 feet high. The existing proposed ceiling height of the retail has restricted NPCDC from garnishing any interest from "A" rated retail tenants and even from lesser quality retail tenants as well. We have been rejected by the likes of Starbucks, 7-11, Subway Sandwiches, Quiznos, Montgomery Doughnuts, H&R Block, Gambro Kidney Dialysis Center and a score of other users. The only interest we have been able to gather has been from various liquor stores, carry-out eateries, and check cashing establishments. Some retailers have expressed an interest in our lower level spaces conditioned upon having a 12 foot ceiling height on the retail level. Every quality sit down restaurant we have spoken to has expressed interest **ONLY** if we can provide additional ceiling height. None of them have any interest in a relatively low ceiling height for retail or restaurant space.

By adding additional ceiling height to the retail spaces we can proceed with marketing to quality retail tenants and solidify this piece of the 14th Street revitalization

and the southern cornerstone of development in Columbia Heights. There is no improvement to the quality of 14th Street, the Columbia Heights neighborhood, or the city by leasing to another liquor store or another check cashing store, which we would be forced to do for economic reasons if we cannot entice a better quality tenant with the additional ceiling height.

RESIDENTIAL CHALLENGES

The Condominium units on floors 2-7 are evenly mixed between Market Rate Units and ADU's. There is no distinction between units as to size, location, ceiling height or building amenity. The currently proposed ceiling height of 8 feet has been maximized by not dropping ceilings with bulkheads, by exposing the ductwork and exposing the concrete slab. By adding some of the total requested additional building height to each residential floor, we can offer something extra to prospective purchasers to distinguish the units on floors 2-7 from the others. This is particularly important. We have discovered that due to our VERY high level of ADU's (50% of all of the condominium units) there is a market resistance to purchasing the Market Rate Units. Someone who can afford to pay a for a Market Rate Unit has enough other options available in the real estate market that we need to offer something particularly interesting or unique with respect to our Market Rate Units. If we do not, then these Market Rate Units will not sell well and our development concept of creating a mixed-use, mixed-income building will not be economically, or more importantly, politically and socially viable.

In order to comply with the NCRC's requirement of mixing ADUs with Market Rate Units, we find it necessary to use every square foot available to distinguish the units in the broader market place. The Market Rate Units must be particularly attractive to consumers, because profits from the sales of the Market Rate Units must be used to subsidize the lower purchase prices of the ADU's. The mix of Market Rate Units and ADU's is unique and economically and socially adventurous. Our market studies indicate that we need for the extra square footage because the prospective purchasers of high-end Market Rate Units want higher residential ceiling heights. Thus, by having higher residential ceiling heights I all of the units, we will be able to entice the high-end Market Rate Unit purchasers to purchase units in our project despite its high percentage of ADUs and provide this added amenity to the ADUs as well. The alternative of eliminating a floor to gain the extra square footage and divide this square footage over all the remaining floors is not an option as it makes our marginally profitable development totally economically unviable. Additionally, we cannot drop the retail and commercial component of the project since this would violate the terms of the LDA. More importantly, thought, it would jeopardize the broader social goal we seek of developing a community in which people live and work together in close proximity.

EXTENUATING CIRCUMSTANCES

NPCDC's profit potential is fixed by the LDA. Therefore, NPCDC will NOT benefit with extra profits from this proposed variance. NPCDC is so convinced of the

need for this additional height that it is prepared to absorb the extra design and construction costs associated with the variance. The benefactors of this variance will be the condominium unit purchasers, ADU and Market units, who will be getting a better property and will realize a better return when they sell their units. Not only will they have better residential units, but the retail and commercial space in their building will have more attractive businesses on the ground floor. This benefits both the owners of the ADU's as well as the owners of the Market Rate Units. The only real advantage realized by NPCDC is satisfaction of developing a higher quality of urban redevelopment project in 14th Street corridor, the broader Columbia Heights community, and the District of Columbia.

ARCHITECTURAL DESIGN FLEXIBILITY

In addition to the requested variance, NPCDC requests architectural design flexibility with regard to details of window sizes, ornamental masonry coursing, and awning sizes at the first floor storefront elevations. NPCDC also requests architectural design flexibility for the turret rooftop/cornice design at the northeast corner of the proposed structure. Design flexibility is requested for these elements in order to provide and allow the highest quality of design for these prominent and vital components of this project.

FACTS

Granting the application:

1) Will NOT create any detriment to the neighborhood as there already exists buildings with an even greater height than the height that will be created by this change.
2) Will NOT create any detriment to the public good.
3) Will NOT increase the traffic, noise or lighting. In fact, the type of traffic and noise that should be a concern would be reduced.
4) Will NOT block any property owner's view or access any more than would be with the existing and already approved building height.
5) Will enable this building with increased height to fit in with the area as there are already several buildings with this height and more in the immediate area.
6) Most of all, the GRANTING of the application will be consistent with the general intent and purpose of the zoning regulations and map.

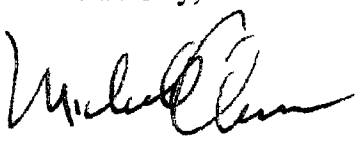
CONCLUSION

In conclusion, the NPCDC requests this variance not for its own benefit, but for the benefit of project and its surrounding community. As a non-profit developer committed to urban revitalization, NPCDC seeks to create the highest quality project it can in challenging areas often overlooked by for-profit developers. The NPCDC's development goal of creating a mixed-use, mixed-income development requires this variance in order to create the best possible retail and commercial space as well as the

most attractive residential units possible. Indeed, this variance is critically important for the long-term success of the project. Finally, we request the additional architectural design flexibility to help make the project as attractive as possible. By developing the best possible building that it can, NPCDC is looking forward to making the most positive impact possible in the community.

Please feel free to call on us with any questions you may have.

Sincerely,



Michelle Owens
President

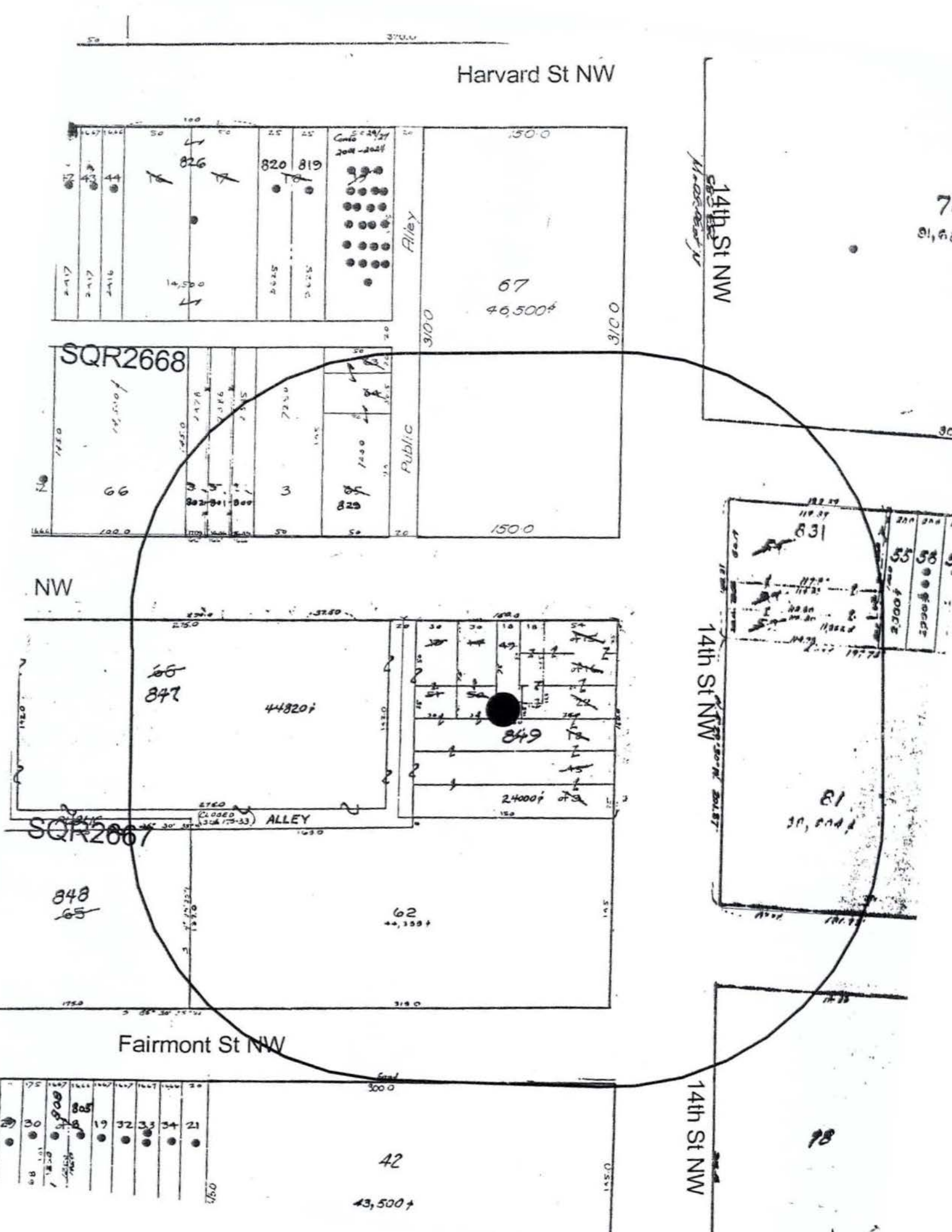

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PUBLIC
ALLEY
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Fairmont St NW
826
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Photo 1
View from 14th street, N.W. looking southwest

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BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17302
EXHIBIT NO. 3



Photo #2
View from west side of lot looking northeast



Photo 3
View from west side of lot looking east

Form 135 — Side 1
(Revised 03/15/02)

Case No. 17302

ZONING SELF-CERTIFICATION FORM

Project Address(es)*	Square(s)*	Lot No(s)*	Zoning Districts*	ANC(s)/Single Member District(s)*
2750 14TH St. N.W.	2667	73	C-2-B	1B-07

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is required from the Board of Zoning Adjustment in this matter pursuant to:

Relief Sought*	☐	§3103.2 - Use Variance	☑	§3103.2 - Area Variance	☐	§3104.1-Special Exception
Pursuant to Subsections			770.1			

Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that:

1. the agent is duly licensed to practice law or architecture in the District of Columbia;
2. the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and
3. the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.

The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self-certified in order to obtain, for the above-referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the Board of Zoning Adjustment.

The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

Owners Signature		Owner's Name	Walter Johnston
Agent Signature	Paula C. Morris	Agent Name	Paula C. Morris

Date*	Feb. 4, 2005	DC Bar No.		or	Architect Registration No.	5556

OFFICE OF ZONING DETERMINATION
(DCMR Title 11 §3113.2)

Based upon review of the application and self-certification, this application is

☐ Accepted for filing.

☐ Referred to the Office of the Zoning Administrator, Department of Consumer and Regulatory Affairs, for determination of proper zoning relief required.

☐ Rejected for failure to comply with the provisions of
- ☐ DCMR Title 11 §3113.2; or
- ☐ DCMR Title 11 Zoning Regulations.

Explanation

BOARD OF ZONING ADJUSTMENT
District of Columbia

Signature:		Date	

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Jerrily R. Kress, FAIA – Director
District of Columbia Office of Zoning
441 4th Street, N.W. Ste. 210-S, Washington, D.C. 20001
(202) 727-6311 * (202) 727-6072 fax * www.dcoz.dc.gov

CASE NO. 17302
EXHIBIT NO. 2

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Form 120 — Exhibit 1
(Revised 04/29/02)

Case No. 17302

BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

APPLICATION

Notice Click Here for Application Form Instructions

Pursuant to Sections §3103.2 – Use Variance, §3103.2 – Area Variance and/or §3104.1 – Special Exception of Title 11 DCMR – Zoning Regulations an application is hereby made, the details of which are as follows:

Address(es)*	Square(s)*	Lot No(s)*	Zoning Districts*	Relief Being Sought*	Section No(s)*
2750 14TH St., N.W.	2667	73	C-2-B	Area Variance	770.1

Present Use of Property:*	Vacant land						
Proposed Use of Property:*	Mixed use commercial/residential/off-street parking						
Owner of Property:*	Non-Profit Community Development Corporation of DC			**Telephone No.:***	202-861-5839		
Address:*	1330 New Hampshire Ave, NW, Suite 111	**City:***	Washington	**State:***	District of Columbia	**Zip:***	20036

Written paragraph specifically stating the "who, what, and where of the proposed action(s)". This will serve as the Public Hearing Notice:*

Variance from Section 770.1, the maximum allowed height for a structure.

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Estimated Construction Cost:	$7,800,000	**Advisory Neighborhood Commission Single-Member District(s):***	1B-08
Date:*	February 4, 2005	**Signature:**	

* The Owner of the Property for which the application is made or his/her authorized agent. In the event an authorized agent files an application on the behalf of the Owner, a letter signed by the Owner authorizing the agent to act on his/her behalf shall accompany the notice of application

To be notified of hearing and decision:
(Owner or Authorized Agent*)

Name:*	Walter Johnston, of Non-Profit Community Development Corp.						
Address:*	1330 New Hampshire Ave., NW, Suite 111	**City:***	Washington	**State:***	District of Columbia	**Zip:***	20036
Phone No.:*	202-861-5839	**Fax No.:**	202-861-1240	**E-Mail:**	npcdcofdc@aol.com		

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17302

EXHIBIT NO. 1

Form 135 — Side 2

2750 14th St., N.W.
Lot 73 in Square 2667

INSTRUCTIONS

Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.

1. All self-certification applications shall be made on Form 135 All certification forms must be completely filled out (front **and** back) and be typewritten or printed legibly. All information shall be furnished by the applicant If additional space is necessary, use separate sheets of paper to complete this form.
2. Complete one self-certification form for each application filed Present this form with the Form 120 Application to the Office of Zoning, 441 4th Street, N.W., Suite 210, Washington, D C. 20001.

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq. ft.)	24,000	N/P	N/P	24,000	—
Lot Width (ft. to the tenth)	N/P	N/A	N/A	150.0'	—
Lot Occupancy (building area/lot	N/P	N/A	80% Res. 100% Comm.	55% Res. & Comm.	—
Floor Area Ratio (floor area/lot area)	N/A	N/A	(3.5) Max. 84,000 SF GFA	(3.49) 83,800 SF GFA	—
Parking Spaces (number)	N/A	19 - Resid. 13 - other 32 - Total	N/A	N/A	—
Loading Berths (number and size	N/A	10 55' LB 10 30' LB 10x20 SB 300 SF Platform	N/A	N/A	—
Front Yard (ft. to the tenth)	N/A	N/A	N/A	N/A	—
Rear Yard (ft. to the tenth)	N/A	11'-3"	N/A	23'-0"	—
Side Yard (ft. to the tenth)	N/A	N/A	—	—	—
Court, Open (width by depth	N/A	N/A	—	—	—
Court, Closed (width by depth	N/A	—	—	—	—
Height (ft. to the tenth)	N/A	N/A	65.0'	74.25'	ASKING FOR 9.25' (14.2 %)